

CITY OF FIFE, WASHINGTON

ORDINANCE NO. 1850

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, WASHINGTON, AUTHORIZING THE CONDEMNATION AND ACQUISITION OF REAL PROPERTY FOR TRANSPORTATION, STORM DRAINAGE, HABITAT RESTORATION AND ENHANCEMENT, AND PARK 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, on August 13, 2013, the Fife City Council adopted a new six year transportation improvement plan that made a grade separation/pedestrian crossing at 54th Avenue one of the City's top transportation project priorities; and

WHEREAS, the underpass project will construct a pedestrian underpass at the existing railroad crossing and reconstruct 54th Avenue East to allow for future reopening of 54th Avenue to vehicle traffic, and will include roundabouts on 54th on each side of the railroad crossing and realignment of Columbia Junior High School's north entrance (David Court); and

WHEREAS, roundabouts act as traffic calming devices and will keep semi-trucks off this segment of 54th once 54th is re-opened; and

WHEREAS, in order to construct the project, it is necessary for the City to acquire property identified as Tax Parcel Nos. 0420073009 and 0420073022 and legally described in Exhibit A attached hereto (the "Property"); and

WHEREAS, Wapato Creek crosses a portion of the Property and creek restoration and enhancement to improve and maintain storm drainage and habitat are additional public purposes for which the Property will be used; and

WHEREAS, the Property also abuts an open space/trail corridor on the east, and is across the street from Dacca Park; and

WHEREAS, the portions of the Property not need for road purposes will be used for public park and trail purposes; and

WHEREAS the City Council finds that the public health, safety, necessity and convenience demand that the transportation improvements, storm drainage and habitat

improvement and maintenance, and public park uses 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 adopts the above recitals as findings and further 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, storm drainage, habitat restoration and improvement, 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, storm drainage and habitat restoration and improvement, 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 12th day of November, 2013.

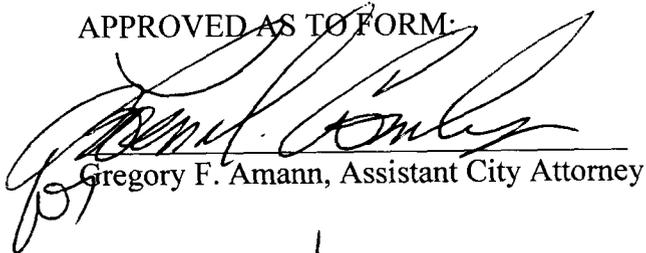
Passed by the City Council on the 11<sup>th</sup> day of November 2013.

  
David K. Zabell, City Manager

ATTEST:

  
for Michelle Meekins  
Carol Etgen, City Clerk

APPROVED AS TO FORM:

  
Gregory F. Amann, Assistant City Attorney

Published: 11/14/13  
Effective Date: 11/19/13

EXHIBIT A

LEGAL DESCRIPTION

Parcel 0420073022

THE SOUTH 150 FEET OF THE WEST 150 FEET OF GOVERNMENT LOT 3, IN SECTION 7 TOWNSHIP 20 NORTH, RANGE 4 EAST OF THE W.M.; EXCEPT 54TH AVENUE EAST, ALSO EXCEPT THAT PORTION THEREOF CONVEYED TO THE CITY OF FIFE BY STATUTORY WARRANTY DEED RECORDED UNDER RECORDING NO. 200404010960

Parcel 0420073009

BEGINNING 150 FEET EAST OF THE SOUTHWEST CORNER OF GOVERNMENT LOT 3, IN SECTION 7, TOWNSHIP 20 NORTH, RANGE 4 EAST OF THE W.M.; THENCE EAST 360 FEET; THENCE NORTH 115.50 FEET; THENCE NORTH 71 DEGREES 34 MINUTES WEST 537.51 FEET; THENCE SOUTH 147 FEET MORE OR LESS TO A POINT 150 FEET NORTH OF THE SOUTHWEST CORNER OF LOT 3; THENCE EAST 150 FEET; THENCE SOUTH 150 FEET TO THE POINT OF BEGINNING; EXCEPT 54TH AVENUE EAST; ALSO EXCEPT THAT PORTION THEREOF CONVEYED TO THE CITY OF FIFE BY STATUTORY WARRANTY DEED RECORDED UNDER RECORDING NO. 200404010960.

Address: 2615 and 2617 54<sup>th</sup> Avenue East, Fife, WA 98424