

CITY OF FIFE, WASHINGTON

ORDINANCE NO. 1937

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, WASHINGTON, AUTHORIZING THE CONDEMNATION AND ACQUISITION OF CERTAIN REAL PROPERTY AND PROPERTY RIGHTS NECESSARY FOR THE PORT OF TACOMA ROAD INTERCHANGE MODIFICATION PROJECT; PROVIDING FOR PAYMENT OF THE COST AND EXPENSE OF ACQUIRING THE PROPERTY; AND AUTHORIZING THE INITIATION OF APPROPRIATE CONDEMNATION PROCEEDINGS IN THE MANNER PROVIDED BY LAW, AND DECLARING THIS ORDINANCE A PUBLIC EMERGENCY ORDINANCE AND THUS EFFECTIVE IMMEDIATELY

WHEREAS, on June 10, 2014, the Fife City Council passed Resolution No. 1600, adopting the Six Year Transportation Improvement Program for 2015-2020 (“TIP”); and

WHEREAS, priority No. 1 on the TIP is the Port of Tacoma Road Interchange Modification – Phase 1 project, and priority No. 9 on the TIP is the Port of Tacoma Interchange Modification – Phase 2 project (collectively the “Project”); and

WHEREAS, the Project will add a new I-5 SB exit ramp connecting at a new signalized intersection at Pacific Highway East and 34th Avenue East, a new I-5 SB on ramp and reconstruct 34th Avenue East, including the addition of sidewalks, curbs, bike lanes, and landscaping; and

WHEREAS, the Project will improve public safety, ease traffic congestion, and improve freight mobility to and from the Port of Tacoma; and

WHEREAS, on November 10, 2015 the Council adopted Ordinance No. 1921 authorizing the condemnation and acquisition of certain properties and property rights necessary to construct the Project; and

WHEREAS, in order to construct the Project, it is necessary for the City to acquire the additional property and property rights legally described and graphically depicted in Exhibits A and B attached hereto and identified as portions of Tax Parcel Nos. 0320024032, 0320024035, 0320024105 (access control only), 7085000101 (access control only), 7085000081 (access control only), 7085000091 (access control only), 7085000130 (access control only), 7085000181 (access control only), 7085000190 (access control only), 7085000371 (access control only), 7085000360 (access control only), and 0320111049 (the “Properties”); and

WHEREAS, the public health, safety, necessity, convenience, and interest require that the Project be undertaken and that in order to carry out the Project it is necessary for the City to acquire the Properties; and

WHEREAS, notice of this action was properly given in accordance with RCW 8.25.290; and

WHEREAS, the immediate enactment of this ordinance is necessary to protect the public health, safety, public property or the public peace, and is a legitimate exercise of the City's police power; 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 and property rights described in Exhibits A and B be condemned, appropriated, and taken for public transportation purposes.

Section 2. The property and property rights described in the attached Exhibits A and B are hereby condemned, appropriated, taken, and damaged for public transportation 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 Properties shall be paid from in part by Transportation Improvement Board funds, federal funds, the City's general funds, and from other monies the City may have available or obtain. No part shall be paid by special assessment.

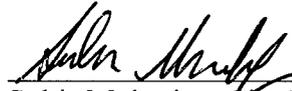
Section 4. The City Attorney is hereby authorized and directed to commence condemnation proceedings in Pierce County Superior Court to acquire the property and property rights described in Exhibits A and B attached hereto; provided the City Attorney shall not commence condemnation proceedings on any parcel described in Exhibits A and B until a reasonable effort has been made to acquire such parcel by negotiation in accordance with the City's approved right of way acquisition procedures for projects receiving funding from the Federal Highway Administration.

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Section 5. This Ordinance is hereby designated a Public Emergency Ordinance necessary for the protection of public health, safety, public property or the public peace and shall be effective upon adoption. A summary of this Ordinance may be published in lieu of the entire Ordinance, as authorized by State law.

Introduced on the 26th day of April 2016.

Passed by the City Council on the 26th day of April, 2016.



Subir Mukerjee, City Manager

ATTEST:



Carol Etgen, City Clerk

APPROVED AS TO FORM:



Gregory F. Amann, Assistant City Attorney

Published: April 28, 2016
Effective Date: May April 26, 2016

EXHIBIT A
LEGAL DESCRIPTIONS AND DIAGRAMS

TEMPORARY CONSTRUCTION EASEMENT DESCRIPTION

(PARCEL NO. 0320024032)

PORTIONS OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 20 NORTH, RANGE 3 EAST, WILLAMETTE MERIDIAN, IN THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON, MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 2;
THENCE ALONG THE WEST LINE OF SAID SUBDIVISION NORTH 02°21'04" EAST, 226.67 FEET; THENCE SOUTH 88°18'49" EAST 24.38 FEET TO THE POINT OF BEGINNING;

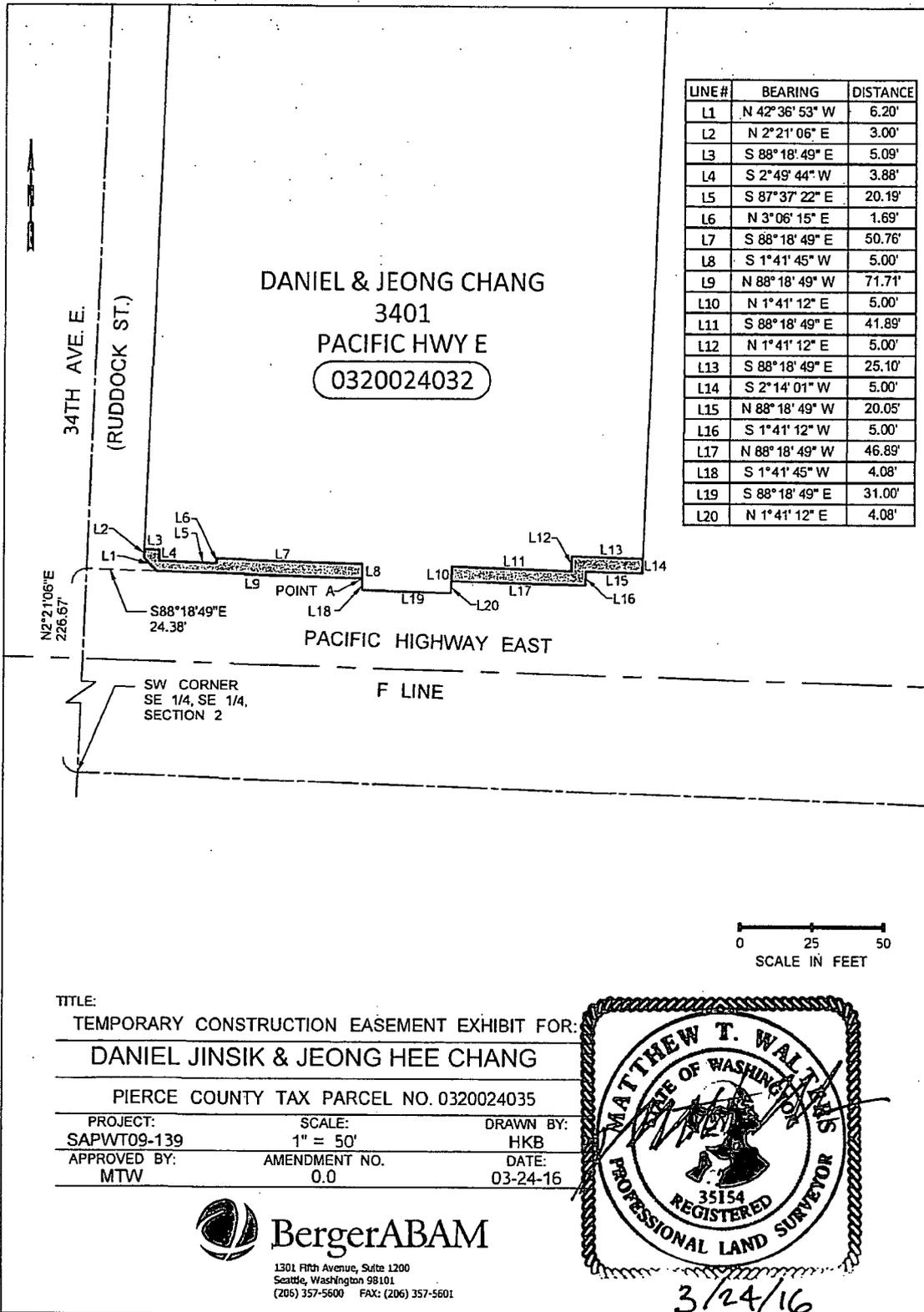
THENCE NORTH 42°36'53" WEST 6.20 FEET;
THENCE NORTH 02°21'06" EAST 3.00 FEET;
THENCE SOUTH 88°18'49" EAST 5.09 FEET;
THENCE SOUTH 02°49'44" WEST 3.88 FEET;
THENCE SOUTH 87°37'22" EAST 20.19 FEET;
THENCE NORTH 03°06'15" EAST 1.69 FEET;
THENCE SOUTH 88°18'49" EAST 50.76 FEET;
THENCE SOUTH 01°41'45" WEST, 5.00 FEET TO A POINT HEREINAFTER KNOWN AS REFERENCE POINT "A";
THENCE NORTH 88°18'49" WEST 71.71 FEET TO THE POINT OF BEGINNING.

ALSO COMMENCING AT SAID REFERENCE POINT "A";
THENCE SOUTH 01°41'45" WEST 4.08 FEET;
THENCE SOUTH 88°18'49" EAST 31.00 FEET;
THENCE NORTH 01°41'12" EAST 4.08 FEET TO THE POINT OF BEGINNING;
THENCE NORTH 01°41'12" EAST 5.00 FEET;
THENCE SOUTH 88°18'49" EAST 41.89 FEET;
THENCE NORTH 01°41'12" EAST 5.00 FEET;
THENCE SOUTH 88°18'49" EAST 25.10 FEET;
THENCE SOUTH 02°14'01" WEST 5.00 FEET;
THENCE NORTH 88°18'49" WEST 20.05 FEET;
THENCE SOUTH 01°41'12" WEST 5.00 FEET;
THENCE NORTH 88°18'49" WEST 46.89 FEET TO THE POINT OF BEGINNING.

(SAID PORTIONS BEING A TOTAL OF 711 SQUARE FEET, MORE OF LESS)



3/24/16

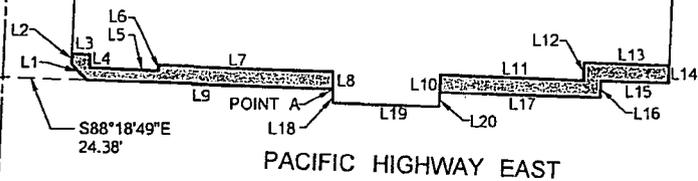


LINE #	BEARING	DISTANCE
L1	N 42° 36' 53" W	6.20'
L2	N 2° 21' 06" E	3.00'
L3	S 88° 18' 49" E	5.09'
L4	S 2° 49' 44" W	3.88'
L5	S 87° 37' 22" E	20.19'
L6	N 3° 06' 15" E	1.69'
L7	S 88° 18' 49" E	50.76'
L8	S 1° 41' 45" W	5.00'
L9	N 88° 18' 49" W	71.71'
L10	N 1° 41' 12" E	5.00'
L11	S 88° 18' 49" E	41.89'
L12	N 1° 41' 12" E	5.00'
L13	S 88° 18' 49" E	25.10'
L14	S 2° 14' 01" W	5.00'
L15	N 88° 18' 49" W	20.05'
L16	S 1° 41' 12" W	5.00'
L17	N 88° 18' 49" W	46.89'
L18	S 1° 41' 45" W	4.08'
L19	S 88° 18' 49" E	31.00'
L20	N 1° 41' 12" E	4.08'

N2°21'06"E
226.67'

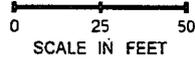
34TH AVE. E.
(RUDDOCK ST.)

DANIEL & JEONG CHANG
3401
PACIFIC HWY E
0320024032



SW CORNER
SE 1/4, SE 1/4,
SECTION 2

F LINE



TITLE:
TEMPORARY CONSTRUCTION EASEMENT EXHIBIT FOR:
DANIEL JINSIK & JEONG HEE CHANG
PIERCE COUNTY TAX PARCEL NO. 0320024035
PROJECT: SCALE: DRAWN BY:
SAPW09-139 1" = 50' HKB
APPROVED BY: AMENDMENT NO. DATE:
MTW 0.0 03-24-16



3/24/16

BergerABAM
1301 Fifth Avenue, Suite 1200
Seattle, Washington 98101
(206) 357-5600 FAX: (206) 357-5601

TEMPORARY CONSTRUCTION EASEMENT DESCRIPTION

(PARCEL NO. 0320024035)

PORTIONS OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 20 NORTH, RANGE 3 EAST, WILLAMETTE MERIDIAN, IN THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON, MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 2; THENCE ALONG THE EAST LINE OF SAID SUBDIVISION NORTH 02°11'18" EAST, 226.28 FEET; THENCE NORTH 88°18'49" WEST, 403.89 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 88°18'49" WEST, 18.44 FEET TO A POINT HERINAFTER KNOWN AS REFERENCE POINT "A"; THENCE NORTH 05°35'29" EAST 5.01 FEET; THENCE SOUTH 88°18'49" EAST 18.15 FEET; THENCE SOUTH 02°14'01" WEST 5.00 FEET TO THE POINT OF BEGINNING.

ALSO COMMENCING AT THE SAID REFERENCE POINT "A"; THENCE SOUTH 05°35'29" WEST 5.01 FEET; THENCE NORTH 88°18'49" WEST 5.83 FEET; THENCE NORTH 84°29'24" WEST 33.80 FEET; THENCE NORTH 05°30'36" WEST 5.76 FEET TO THE POINT OF BEGINNING; THENCE NORTH 88°18'49" WEST 11.62 FEET; THENCE NORTH 02°14'01" EAST, 10.00 FEET; THENCE SOUTH 88°18'49" EAST, 5.00 FEET; THENCE SOUTH 02°14'01" WEST, 5.00 FEET; THENCE SOUTH 88°18'49" EAST, 6.91 FEET; THENCE SOUTH 05°30'36" WEST, 5.01 FEET TO THE POINT OF BEGINNING.

(SAID PORTIONS BEING A TOTAL OF 175 SQUARE FEET, MORE OF LESS)

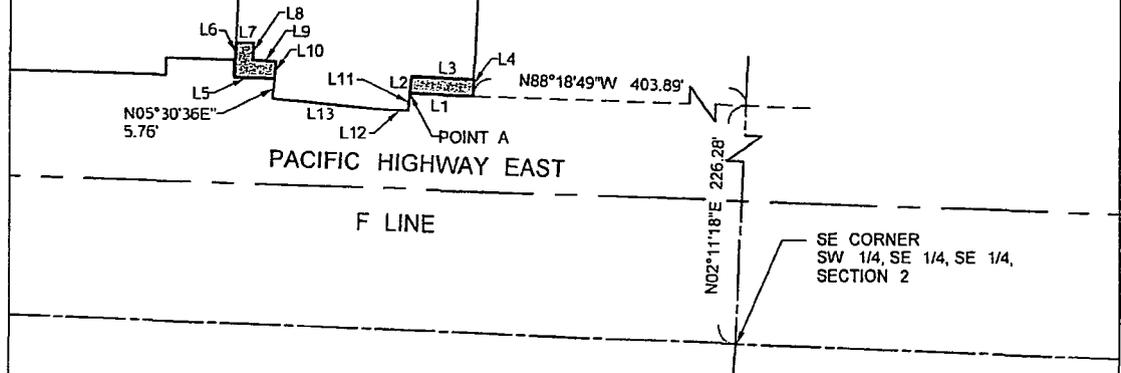


3/24/16

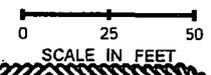


HAE C LEE
 3401
 PACIFIC HWY E
 0320024035

Name	Direction	Length
L1	N 88°18'49" W	18.44'
L2	N 5°35'29" E	5.01'
L3	S 88°18'49" E	18.15'
L4	S 2°14'01" W	5.00'
L5	N 88°18'49" W	11.62'
L6	N 2°14'01" E	10.00'
L7	S 88°18'49" E	5.00'
L8	S 2°14'01" W	5.00'
L9	S 88°18'49" E	6.91'
L10	S 5°30'36" W	5.01'
L11	S 5°35'29" W	5.01'
L12	N 88°18'49" W	5.83'
L13	N 84°29'24" W	33.80'



SE CORNER
 SW 1/4, SE 1/4, SE 1/4,
 SECTION 2



TITLE:
 TEMPORARY CONSTRUCTION EASEMENT EXHIBIT FOR:
 HAE C LEE

PIERCE COUNTY TAX PARCEL NO. 0320024032

PROJECT:	SCALE:	DRAWN BY:
SAPWT09-139	1" = 50'	HKB
APPROVED BY:	AMENDMENT NO.	DATE:
MTW	0.0	03-24-16



3/24/16

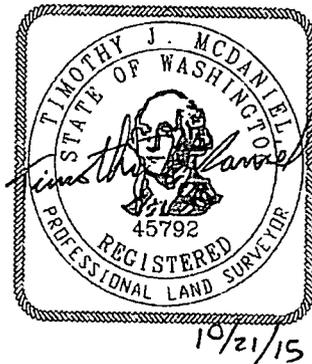
BergerABAM
 1301 Fifth Avenue, Suite 1200
 Seattle, Washington 98101
 (206) 357-5600 FAX: (206) 357-5601

SLOPE EASEMENT DESCRIPTION
(ACROSS PARCEL NO. 0320111049)

A PORTION OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 20 NORTH, RANGE 3 EAST, WILLAMETTE MERIDIAN, IN THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON, MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

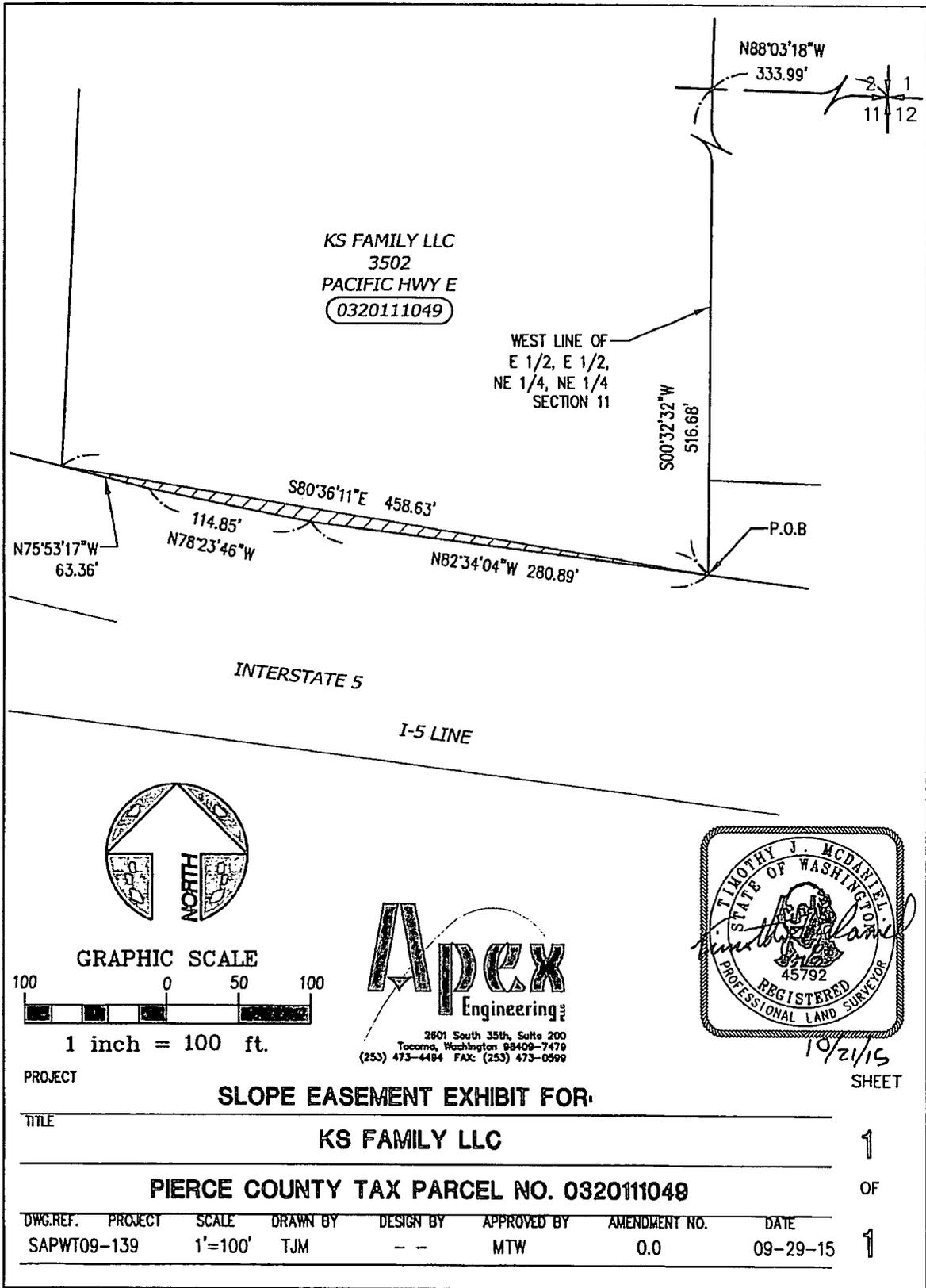
COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 11;
THENCE ALONG THE NORTH LINE OF NORTHEAST QUARTER OF SAID SECTION 11 NORTH 88°03'18" WEST, 333.99 FEET TO THE WEST LINE OF THE EAST HALF OF THE EAST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 11;
THENCE ALONG SAID WEST LINE SOUTH 00°32'32" WEST, 516.68 FEET TO THE NORTH RIGHT OF WAY LINE OF INTERSTATE 5 AND THE **POINT OF BEGINNING**;
THENCE ALONG SAID NORTH RIGHT OF WAY LINE NORTH 82°34'04" WEST, 280.89 FEET;
THENCE NORTH 78°23'46" WEST, 114.85 FEET;
THENCE NORTH 75°53'17" WEST, 63.36 FEET;
THENCE LEAVING SAID NORTH RIGHT OF WAY LINE SOUTH 80°36'11" EAST, 458.63 FEET TO THE **POINT OF BEGINNING**.

(SAID PORTION BEING 2,368 SQUARE FEET, MORE OR LESS)



2601 South 35th Street, Suite 200, Tacoma, Washington 98409
(253) 473-4494 Fax: (253) 473-0599





KS FAMILY LLC
 3502
 PACIFIC HWY E
 0320111049

WEST LINE OF
 E 1/2, E 1/2,
 NE 1/4, NE 1/4
 SECTION 11

S00°32'32\"/>

N88°03'18\"/>

2 1
 11 12

N75°53'17\"/>

114.85'
 N78°23'46\"/>

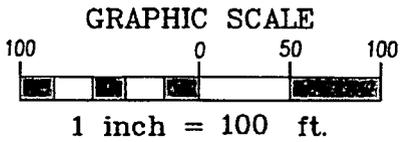
S80°36'11\"/>

N82°34'04\"/>

P.O.B

INTERSTATE 5

I-5 LINE



2801 South 35th, Suite 200
 Tacoma, Washington 98409-7479
 (253) 473-4484 FAX: (253) 473-0599



PROJECT

SLOPE EASEMENT EXHIBIT FOR:

SHEET

TITLE

KS FAMILY LLC

1

PIERCE COUNTY TAX PARCEL NO. 0320111049

OF

DWG. REF.	PROJECT	SCALE	DRAWN BY	DESIGN BY	APPROVED BY	AMENDMENT NO.	DATE
SAPWT09-139		1"=100'	TJM	--	MTW	0.0	09-29-15

1

EXHIBIT B

The access rights described in the attached parcel maps and right of way plan sheet relating to parcels identified herein as Parcel Nos. 3-10563, 3-10565, and 3-10566.

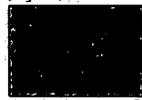
Access Key



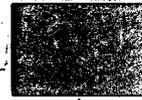
Full Control Limited Access at existing or acquired Right of Way Boundary, does not allow access



Modified Control Limited Access at existing or acquired Right of Way Boundary, allows commercial access



Property Line



Right of Way acquisition outside Limited Access

Types of Approaches

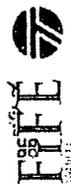
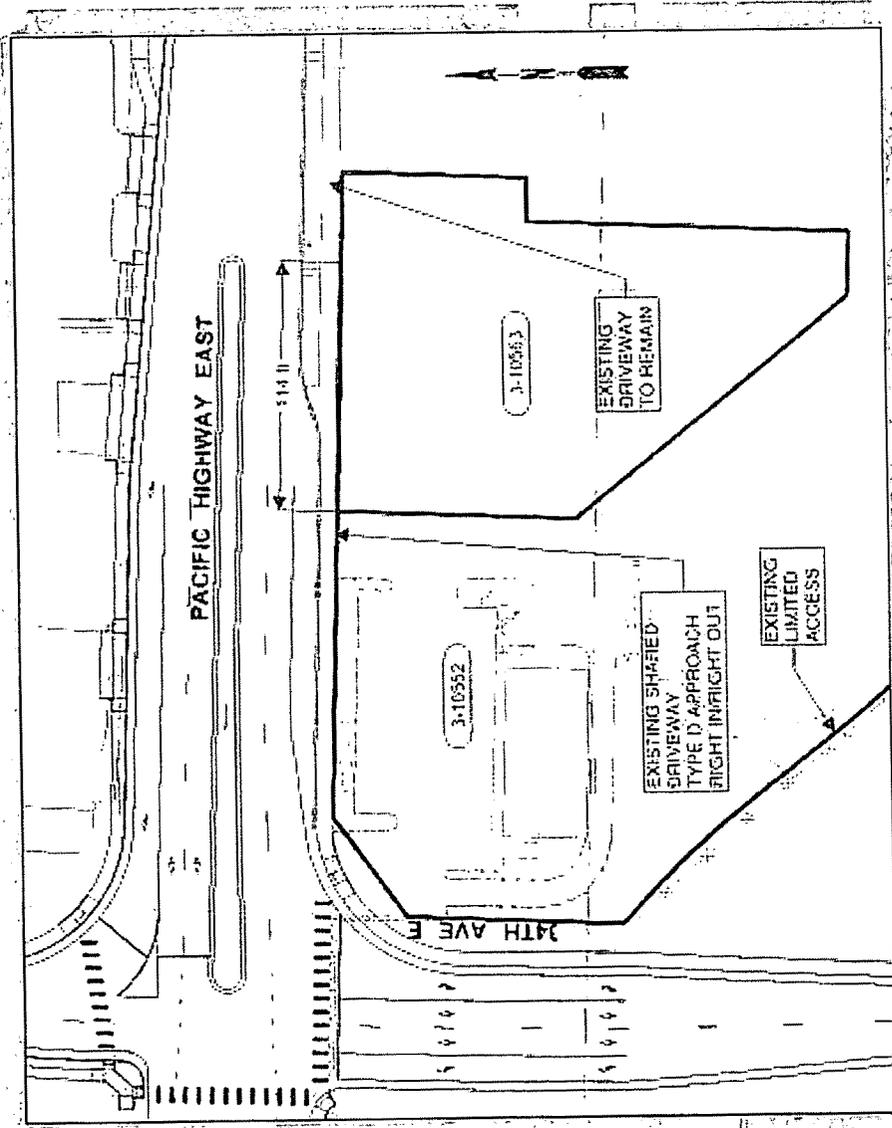
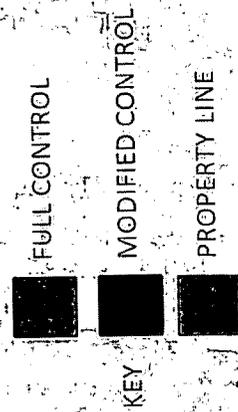
Defined in WAC 468-58-080

Type C approach is an off and on approach in legal manner, for special purpose and width to be agreed upon. It may be specified at a point satisfactory to the state at or between designated highway stations.

Type D approach is an off and on approach in a legal manner not to exceed fifty feet in width for use necessary to the normal operation of a commercial establishment. It may be specified at a point satisfactory to the state at or between designated highway stations.

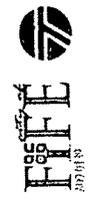
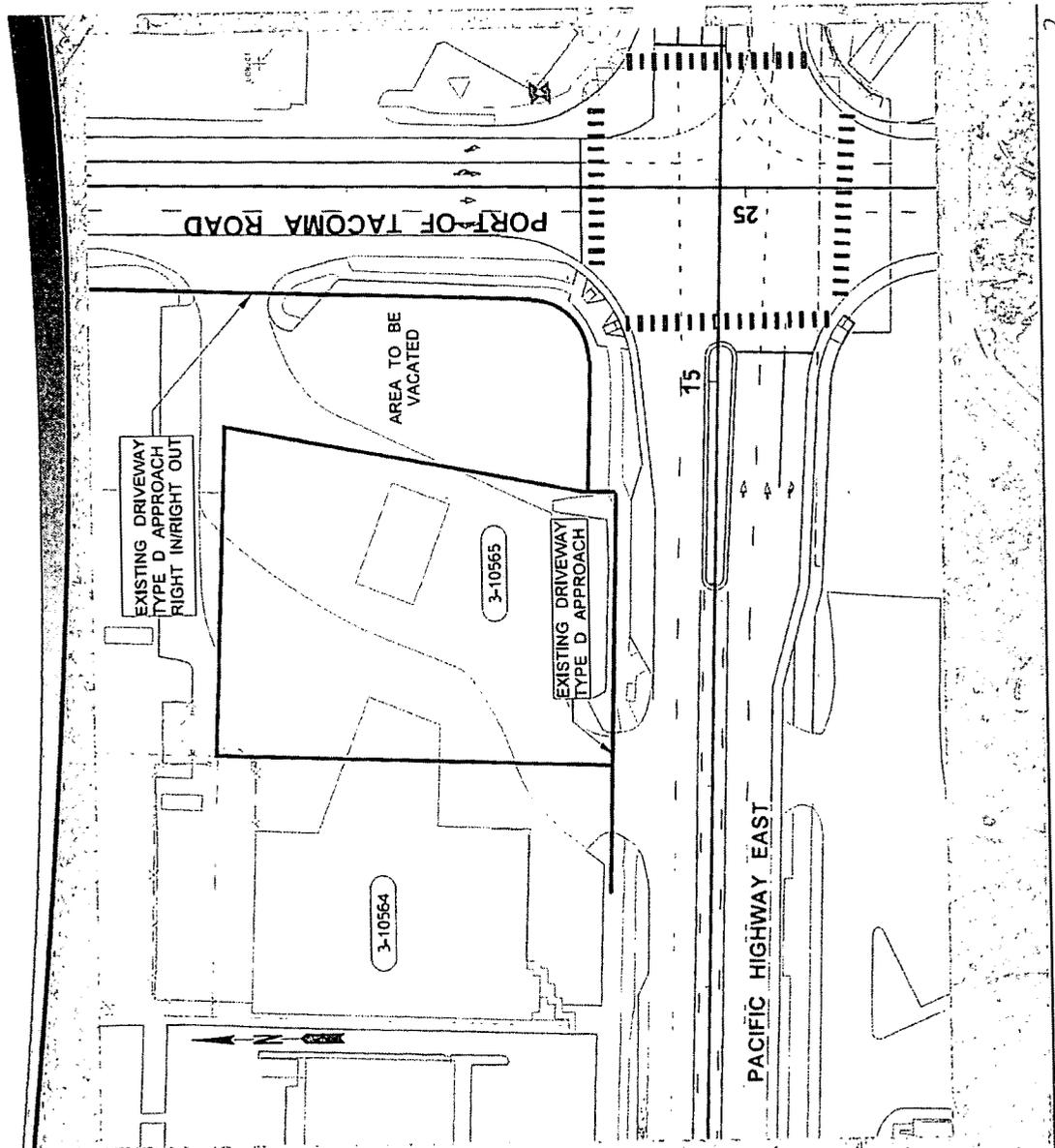
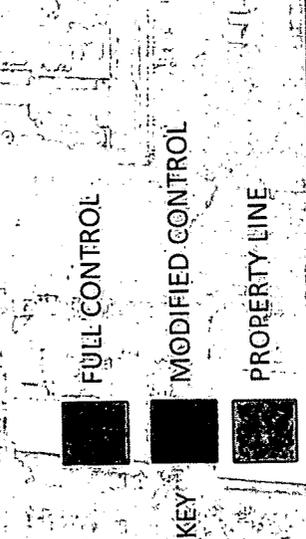
WSDOT Parcel No. 3-10563

- **Property Owner:** Evans Fife LLC
- **Sheet No:** 5
- **Existing Access:** Driveways off Pacific Hwy. E.
- **Proposed Access Control:** Modified Control along west 114' of north boundary
- **Proposed Property Access:** No change



WSDOT Parcel No. 3-10565

- **Property Owner:** Dean Rider, M.D., Trustee of the 2006 Mary Berry Pitzer Revocable Trust
- **Sheet No:** 5
- **Existing Access:** Shared driveway off Pacific Highway East, driveway off Port of Tacoma Road
- **Proposed Access Control:** Full Control at southeast corner, Modified Control for remainder of east and south right-of-way boundaries
- **Proposed Property Access:** Existing driveways changed to Type D approaches with east driveway limited to right-in/right-out configuration



WSDOT Parcel No. 3-10566

• **Property Owner:** Stryder II LLC
 • **Sheet No:** 5

• **Existing Access:** Shared driveway off Port of Tacoma Road

• **Proposed Access Control:** Modified Control along the south 100' of the east right-of-way boundary

• **Proposed Property Access:** Shared driveway changed to Type D Approach with right-in/right-out configuration

