

**RESOLUTION NO. 1534**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON AUTHORIZING THE PURCHASE OF A WATER UTILITY EASEMENT ON TAX PARCEL NO. 0420177006 IN LIEU OF CONDEMNATION

WHEREAS, "looping" of water lines adds system redundancy and improves system maintainability because it allows water to be provided from different directions if a segment of main is closed; and

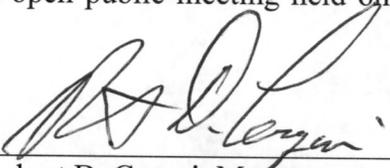
WHEREAS, in order to provide water system "looping" in the LID 08-2 service area (45th Street Court East) it is necessary for the City to obtain an easement on a portion of the north 15 feet of the property owned by Choo Choo Investments LLC located at 7217 45th Street Court East (tax parcel number 0420177006), for water lines and appurtenances; and

WHEREAS, in lieu of condemnation the City Attorney's office has negotiated a purchase of the easement for \$10,000, which constitutes just compensation; now, therefore

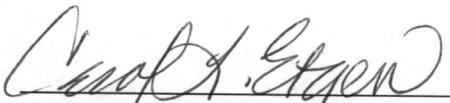
BE IT RESOLVED that the City Council hereby authorizes and approves the purchase by the City of Fife of the Water Utility Easement attached hereto as Exhibit A from Choo Choo Investments, LLC, for the sum of \$10,000, and authorizes the City Manager to execute on behalf of the City the documents necessary to effectuate the transaction.

BE IT FURTHER RESOLVED that this purchase is being made under immediate threat of the City's exercise of the right of eminent domain.

ADOPTED by the City Council at an open public meeting held on the 22nd day of January, 2013.

  
\_\_\_\_\_  
Robert D. Cerqui, Mayor

Attest:

  
\_\_\_\_\_  
Carol Etgen, City Clerk



After Recording Please Return To:  
Public Works Director  
City of Fife  
5411 23<sup>rd</sup> Street East  
Fife, WA 98424

**EXHIBIT**  
" A "

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**WATER UTILITY EASEMENT**

**Grantor:** CHOO CHOO INVESTMENTS LLC, a Washington limited liability company

**Grantee:** CITY OF FIFE, a municipal corporation

**Abbreviated Legal Description:** NW of SW of Sec. 17 T. 20 N, R 4 E, W.M.

Complete legal description is attached as Exhibits A of document

**Tax Parcel No.:** 0420177006

CHOO CHOO INVESTMENTS LLC, a Washington limited liability company ("Grantor"), record owner of the property hereinafter described, for and in consideration of the sum of TEN AND 00/100 DOLLARS (\$10.00), and other valuable consideration, hereby grants to the City of Fife, a Washington municipal corporation ("Grantee") its successors and assigns, under the imminent threat of the Grantee's exercise of its rights of Eminent Domain, a perpetual easement to install, construct, operate, inspect, maintain, repair, remove, and replace water mains, water lines, and appurtenances, over, under, upon and across the property legally described in Exhibit A attached hereto and graphically depicted in Exhibit B attached hereto (the "Easement"), which is a portion of Pierce County Assessor's Parcel Number 0420177006.

Grantee, its employees, agents, and contractors shall have the right at such times as may be reasonably necessary to enter upon Grantor's property to access the Easement area for the purposes of installing, constructing, operating, inspecting, maintaining, repairing, removing, or replacing water mains, water lines, fire hydrants, and appurtenances; provided that such shall be accomplished in a manner that existing private improvements shall not be unreasonably disturbed or destroyed, or in the event that they are disturbed or destroyed, Grantee shall replace them at Grantee's sole cost and expense in as good a condition as they were immediately before the property was entered upon by the Grantee. In the exercise of

its rights under this Easement, Grantee shall use its best efforts not to interfere with access to or use of the private improvements by Grantor, its successors, assigns, tenants, licensees or invitees.

The Grantor shall retain the right to use the surface of the Easement if such use does not unreasonably interfere with the rights granted to Grantee herein. However, the Grantor shall not erect buildings or structures on or over the Easement.

This Easement shall be a covenant running with the land and shall be binding on the successors, heirs, and assigns of both the parties hereto.

DATED this 14 day of JANUARY, 2013

GRANTOR:  
Choo Choo Investments, LLC, a Washington limited liability company

By: Rainer Willingham  
Rainer Willingham, Member

STATE OF WASHINGTON )  
                                  )       ss.  
County of Pierce        )

I certify that I know or have satisfactory evidence that Rainer Willingham is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath, stated that he was authorized to execute the instrument and acknowledged it as the member of Choo Choo Investments, LLC to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED: 1-14-13



Gregory F. Amann  
NOTARY PUBLIC  
Print Name: Gregory F. Amann  
My appointment expires: 7-24-13

**EXHIBIT A**  
**PARCEL NO. 0420177006**  
**WATER LINE EASEMENT**

THE NORTH 15.00 FEET OF THE HEREINAFTER DESCRIBED PARCEL "A" LYING WEST OF THE EXTENSION OF THE EAST LINE OF THE WEST HALF OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 20 NORTH, RANGE 4 EAST, W.M.

CONTAINING 2,903 SQUARE FEET, MORE OR LESS.

PARCEL "A":

LOT 2 OF CITY OF FIFE SHORT PLAT NUMBER PLT10-0001, RECORDING NUMBER 201009285001, DATED SEPTEMBER 28, 2010, PIERCE COUNTY, WASHINGTON RECORDS.



11-6-12

SW 1/4 SEC. 17, T. 20 N., R. 4 E., W.M.



WATER LINE EASEMENT  
EXISTING - 15.00' WIDE  
RECORDING #200712180241

N.T.S.

TAX LOT NUMBER  
0420173002

PROPOSED 15' WIDE  
WATER LINE EASEMENT  
(NOT A PART OF  
THIS DOCUMENT)

PROPERTY LINE  
E. LINE W 1/2, E 1/2, NW 1/4, SW 1/4 SEC. 17

TAX LOT NUMBER  
0420173001

S. LINE NW 1/4 OF SW 1/4 SEC. 17

PROPERTY LINE

193.36'

WATER LINE EASEMENT  
15.00' WIDE  
EASEMENT AREA  
= 2,903 S.F.±

WATER LINE EASEMENT  
EXISTING - 15.00' WIDE  
RECORDING #9709090676

TAX LOT NUMBER  
0420177005

PROPERTY LINE

TAX LOT NUMBER  
0420177006

FILE: 0420177006 ESMT.DWG

NOVEMBER 6, 2012

**KPG**

753 9th Ave N  
Seattle, WA 98108  
(206) 296-1640  
www.kpg.com

2502 Jefferson Ave  
Tacoma, WA 98402  
(253) 627-0720

EXHIBIT B  
PARCEL 0420177006  
WATER LINE EASEMENT