

RESOLUTION NO. 1555

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. 0420173002 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

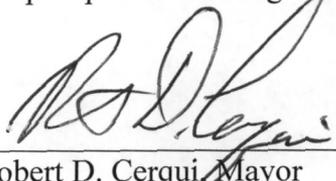
WHEREAS, in order to provide water system "looping" in the LID 08-2 service area (45th Street Court East) it is necessary for the City to obtain an easement on the south 141 feet of the east 15 feet of the property owned by CLPF – PCCP II, L.P., located at 4179 70th Ave East (tax parcel number 0420173002), for water lines and appurtenances; and

WHEREAS, in lieu of condemnation the City Attorney's office has negotiated a purchase of the easement for \$12,043, including statutory evaluation fees, 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 CLPF – PCCP II, L.P., for the total sum of \$12,043, including statutory evaluation fees, and authorizes the City Manager to execute on behalf of the City the documents necessary to effectuate the transaction.

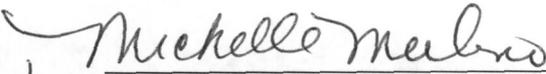
BE IT FURTHER RESOLVED that this purchase is being made under immediate threat of the City's exercise of the right of eminent domain.

ADOPTED by the City Council at an open public meeting held on the 25th day of June, 2013.



Robert D. Cerqui, Mayor

Attest:



for Carol Etgen, City Clerk

After Recording Please Return To:

Public Works Director
City of Fife
5411 23rd Street East
Fife, WA 98424

WATER UTILITY EASEMENT

Grantor: CLPF – PCCP II, L.P., a Delaware limited partnership
Grantee: CITY OF FIFE, a municipal corporation
Abbr.Legal Description: NW of SW of Sec. 17 T. 20 N, R 4 E, W.M.
Complete legal description is attached as Exhibit A of document
Tax Parcel No.: 0420173002

CLPF – PCCP II, L.P., a Delaware limited partnership (“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 (the “Utilities”), over, under, upon and across the property legally described in Exhibit A attached hereto and graphically depicted in Exhibit B attached hereto (the “Easement Area”), which is a portion of Pierce County Assessor’s Parcel Number 0420173002.

Grantee shall install, construct, operate, inspect, maintain, repair, remove, and replace the Utilities at its sole expense. Grantee shall perform all work in a good, careful and workmanlike manner, using only first class materials, free and clear of all claims and liens. Grantee shall comply with all applicable governmental laws and building codes relating to the construction, maintenance, operation, repair and replacement of the Utilities.

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 the Utilities. Grantee shall provide Grantor and successor owners of the Easement Area with notice of each intended entry upon the Easement Area at least three (3) days prior to such entry; provided,

If to Grantor: CLPF – PCCP II, L.P.
c/o Clarion Partners
2650 Cedar Springs Road, Suite 850
Dallas, TX 75201
Attention: Stacey Magee

with a copy to: JSH Properties, Inc.
14900 Interurban Avenue South, Suite 130
Seattle, WA 98168
Attn: Property Manager (PCCP II)

Any notice shall be deemed to have been duly given (i) if sent by certified or registered mail, return receipt requested, two (2) calendar days after being deposited in the United States mail, postage prepaid; (ii) if sent by United States postal service express mail or a reputable overnight courier service then one (1) calendar day after being deposited in such mail or with such service; (iii) if sent by telegram, telex, facsimile transmission, on the date sent, provided confirmatory notice is sent by first-class mail, postage prepaid; and (iv) if hand delivered, on the date of receipt.

The Grantor shall retain the right to use the surface of the Easement for landscaping and shall retain the right to use the surface of the Easement for such other purposes that do not unreasonably interfere with the rights granted to Grantee herein. However, the Grantor shall not erect buildings or structures on or over the Easement, or plant trees or shrubs that grow deep root systems.

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

[INTENTIONAL PAGE BREAK]

GRANTOR'S ACKNOWLEDGEMENT

STATE OF TEXAS)
) ss
COUNTY OF DALLAS)

I certify that I know or have satisfactory evidence that _____ is the person who appeared before me, and said person acknowledged that said person signed this instrument, on oath stated that said person was authorized to execute the instrument and acknowledged it as an authorized signatory of CLPF – PCCP II, L.P., a Delaware limited partnership, to be the free and voluntary act of such entity for the uses and purposes mentioned in the instrument.

Dated this _____ day of _____, 20__.

(Signature of Notary)

(Legibly Print or Stamp Name of Notary)
Notary public in and for the state of Texas,
residing at _____
My appointment expires _____

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



N.T.S.

POINT "H"
(#200712180241)

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

TAX LOT NUMBER
0420173001

WATER LINE EASEMENT
EXISTING - 15.00' WIDE
RECORDING #200712180241

TAX LOT NUMBER
0420173002

WATER LINE EASEMENT
15.00' WIDE
EASEMENT AREA
=2,116 S.F.±

141.24'

140.83'

PROPERTY LINE

PROPERTY LINE

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

TAX LOT NUMBER
0420177006

JUNE 26, 2012

FILE: 0420173002 ESMT.DWG

KPG

753 9th Ave N
Seattle, WA 98109
(206) 288-1610
www.kpg.com

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

EXHIBIT A
PARCEL 0420173002
WATER LINE EASEMENT