

ORDINANCE NO. 390

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, DECLARING A PUBLIC USE AND NECESSITY OF THE CITY OF UNIVERSITY PLACE FOR SURFACE WATER MANAGEMENT AND AUTHORIZING ACQUISITION AND CONDEMNATION OF REAL PROPERTY LOCATED WITHIN THE CITY OF UNIVERSITY PLACE

WHEREAS, the City of University Place has determined that surface water improvements are necessary and beneficial to the overall health, safety and welfare of the citizens of the City of University Place; and

WHEREAS, the surface water improvements contemplated herein will require the design and construction of a storm water detention pond, piping and related facilities; and

WHEREAS, the surface water improvements will enhance the health safety and welfare of the Citizens of University Place through the treatment and detention of storm water runoff; and

WHEREAS, the surface water improvements require obtaining ownership and other rights to certain property which is not presently owned by the City of University Place and is in private ownership; and

WHEREAS, good faith efforts have been made to obtain the property necessary for the project, including appraising the property and attempting to negotiate reasonable compensation for the property; and

WHEREAS, to date those good faith efforts have not been successful in securing the acquisition of all the property necessary for the project, as such good faith offer has either been rejected or not responded to; and

WHEREAS, it is in the public interest to exercise the City's power of eminent domain and condemn the affected parcel for the public purposes set forth above and other related and incidental improvements thereto;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Declaring Public Use and Necessity for Certain Property. The property identified as Parcel 9435000110 and more particularly described in the attached Exhibit "A-Property Identified for Condemnation", incorporated herein by this reference, are hereby declared necessary for the City of University Place Surface Water Management Project for the reasons set forth above in the WHEREAS clauses, and the use of such property in connection with surface water detention to be made to the project is hereby declared a public use.

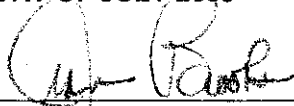
Section 2. Authorizing the City Manager and City Attorney to Proceed with Property Acquisition. The City Attorney an/or his designee is hereby authorized to take all necessity action to commence and prosecute as needed actions to condemn the property identified in Exhibit A-Property Identified for Condemnation. The maps and descriptions of the property the City contemplates acquiring through negotiation to condemnation if necessary, that are identified in the attached Exhibit A-Property Identified for Condemnation, are illustrative only and are not intended to limit City actions.

Section 3. Providing Fair, Reasonable Compensation. The City shall pay reasonable compensation to the owner of the property to be acquired by the City action.

Section 4. Severability. If any section, sentence, clause or phrase of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 4. Publication and Effective Date. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall be effective five (5) days after its publication.

PASSED BY THE CITY COUNCIL ON THIS 14th DAY OF JULY 2003



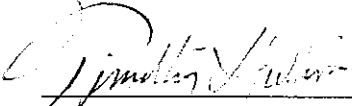
Jean Brooks, Mayor

ATTEST:



Catrina Craig, City Clerk

APPROVED AS TO FORM:



Timothy X. Sullivan, City Attorney

Date of Publication: 7/16/03
Effective Date: 7/21/03

"EXHIBIT A-PROPERTY IDENTIFIED FOR CONDEMNATION" - Page 1 OF 1

ID	Parcel	First	Last	Address	Property	Legal
104	9435000110	Mario	Santelli	7216-27 th St W, C University Place, WA 98466	3003 Morrison Rd West	Tract "D" of west end acre addition to Tacoma, as per plat recorded in volume 8 of plats, page 7 records of Pierce County; Except the south 130 feet thereof; and except the west 10 feet thereof conveyed to pierce County for additional right-of- way for Morrison Road (73 rd Avenue West) situate in the county of Pierce, state of Washington