

ORDINANCE NO. 108

CITY OF LACEY

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY ATTORNEY FOR THE CITY OF LACEY TO PURCHASE AND/OR INSTITUTE AND PROSECUTE TO DETERMINATION IN THE PROPER COURT, OR COURTS, AN ACTION OR ACTIONS IN THE NAME OF THE CITY OF LACEY UNDER THE RIGHT OF EMINENT DOMAIN FOR THE CONDEMNATION AND ACQUISITION IN FEE SIMPLE OF CERTAIN LANDS AND PROPERTY FOR THE PURPOSE OF WIDENING SOUTHEAST 46th STREET (COLLEGE WAY); PROVIDING FOR THE PAYMENT FOR SAID LANDS AND PROPERTY FROM THE CITY'S URBAN ARTERIAL STREET FUND AND THE URBAN ARTERIAL FUNDS PROVIDED BY THE STATE OF WASHINGTON; AND DECLARING A PUBLIC USE AND NECESSITY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LACEY:

Section 1. That the City Attorney is hereby authorized and directed to purchase and/or institute and prosecute to determination in the proper court, or courts, an action or actions in the name of the City of Lacey under the right of eminent domain for the condemnation and acquisition in fee simple of certain lands and property to be utilized as street right-of-way for the widening of Southeast 46th Street (College Way) over the following described lands and property not already owned by the City of Lacey, and situated in the City of Lacey, Thurston County, Washington, to-wit:

The west 20 feet of the east 40 feet of the southerly 288 feet of that part of the northeast quarter of the northeast quarter of Section 20, Township 18 North, Range 1 West, W. M., lying northerly of Secondary State Highway No. 5-1.

The east 20 feet of the west 40 feet of that part of the northwest quarter of the northwest quarter of Section 21, Township 18 North, Range 1 West, W. M., lying south of tract conveyed to St. Martin's Abbey by deed dated December 16, 1963, and recorded under File No. 689395 and northerly of Pacific Avenue.

The east 20 feet of the west 40 feet of that part of the northwest quarter of the northwest quarter of Section 21, Township 18 North, Range 1 West, W. M., lying north of the westerly extension of the south line of tract conveyed to St. Martin's Abbey by deed dated September 28, 1961, and recorded under File No. 648670.

The west 20 feet of the east 40 feet of the east half of the southeast quarter of the southeast quarter of Section 17, Township 18 North, Range 1 West, W. M.; EXCEPTING therefrom the north 220 feet.

The north 30 feet of the east 70 feet, and the west 20 feet of the east 40 feet of the north 220 feet of the southeast quarter of the southeast quarter of Section 17, Township 18 North, Range 1 West, W. M.; EXCEPTING therefrom the north 20 feet for Robbins Road.

The south 30 feet of the east 70 feet, and the west 10 feet of the east 40 feet of the south 495 feet of the northeast quarter of the southeast quarter of Section 17, Township 18 North, Range 1 West, W. M.; EXCEPTING therefrom the south 20 feet for Robbins Road.

The west 10 feet of the east 40 feet of the north 330 feet of the south 825 feet of the northeast quarter of the southeast quarter of Section 17, Township 18 North, Range 1 West, W. M.

The west 10 feet of the east 40 feet of that part of the north 495 feet of the northeast quarter of the southeast quarter of Section 17, Township 18 North, Range 1 West, W. M., lying southerly of Primary State Highway No. 1.

The west 40 feet of that part of Section 16, Township 18 North, Range 1 West, W. M., lying southerly of county road known as Martin Way; EXCEPTING therefrom the west 20 feet conveyed to Thurston County for road and EXCEPT part condemned in Thurston County Superior Court Cause No. 29793 for State Highway.

Said property is sought for the widening of Southeast 46th Street (College Way), the same all being a part of the College Way Urban Arterial Street Project No. 85197 (1).

Section 2. That the acquisition of said lands and property and property rights for the purposes herein mentioned is for a public use and necessity.

Section 3. That payment for the lands and property and property rights herein ordered to be taken or damaged shall be made from the City's Urban Arterial Street Fund and the Urban Arterial Funds provided by the State of Washington.

Section 4. That nothing in this Ordinance shall be construed as a waiver by the City of Lacey of its right to decline to take and pay for said lands, property and property rights after the amount of damage has been ascertained and within the time allowed by law.

Section 5. This Ordinance shall go into effect five days after its passage and publication in the manner provided by law.

ADOPTED this 5th day of June, 1969.
CITY OF LACEY

C. B. Homann
MAYOR

ATTEST:

Walter J. Jansen
CITY CLERK
DESCRIPTIONS APPROVED:

CITY ENGINEER
APPROVED AS TO FORM:
Raymond S. Churchill
CITY ATTORNEY