

ORDINANCE NO. 109

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 (HERMAN ROAD); 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 (Herman Road) 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 east 10 feet of Lot 12 of Krier Subdivision as recorded in Volume 11 of Plats, Page 79.  
The east 10 feet of Lot 13 of Krier Subdivision as recorded in Volume 11 of Plats, Page 79.  
The east 10 feet of the following described real property:

That part of the southeast quarter of the northeast quarter of Section 20, Township 18 North, Range 1 West, W. M., described as follows: Beginning at a point on the north line of county road known as Lewis Street, S 89° 50' 36" E 1200 feet from the west line of said southeast quarter of northeast quarter of Section 20; running thence

S 89° 50' 36" E along said north line of Lewis Street 90 feet more or less to the west line of county road known as Herman Road; thence northerly along said west line of Herman Road 115.93 feet more or less; thence N 89° 50' 29" W 90 feet and south 115.93 feet to the point of beginning.

The east 10 feet of Lot 13 in Block 1 of Friendship Addition No. 2 as recorded in Volume 11 of Plats, Page 122.

The east 10 feet of Lot 13 in Block 2 of Friendship Addition No. 2 as recorded in Volume 11 of Plats, Page 122.

The west 10 feet of Lot 4 of Thurmond & Walker Subdivision as recorded in Volume 11 of Plats, Page 92.

The west 30 feet of that part of the southwest quarter of the northwest quarter of Section 21, Township 18 North, Range 1 West, W. M., lying south of Thurmond & Walker Subdivision as recorded in Volume 11 of Plats, Page 92, EXCEPTING therefrom the south 719 feet and excepting also the west 20 feet for Herman Road.

The west 10 feet of Lot 1 of Smith Subdivision as recorded in Volume 12 of Plats, Page 3.

The east 10 feet of Lot 16 of Rush Subdivision as recorded in Volume 11 of Plats, Page 109, EXCEPTING therefrom the north 60 feet.

The east 10 feet of Lot 1 of Rush Subdivision as recorded in Volume 11 of Plats, Page 109.

The east 30 feet of the south 280 feet of the north 405 feet of Lot 3 of Section 29, Township 18 North, Range 1 West, W. M.; EXCEPTING therefrom the east 20 feet for Herman Road.

The north 165 feet of the west 30 feet of the southwest quarter of the northwest quarter of Section 28, Township 18 North, Range 1 West, W. M.; EXCEPTING therefrom the west 20 feet for Herman Road.

Said property is sought for the widening of Southeast 46th Street (Herman Road), the same all being a part of the Herman Road Urban Arterial Street Project No. 85197 (2).

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 5<sup>th</sup> day of June, 1969.

CITY OF LACEY

*G. B. Homann*  
MAYOR

ATTEST:

*Walter B. Jansen*  
CITY CLERK

DESCRIPTIONS APPROVED:

*[Signature]*  
CITY ENGINEER

APPROVED AS TO FORM:

*Quayle Cherrill*  
CITY ATTORNEY