

ORDINANCE NO. 128

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 41st STREET (SOUTH SOUND BOULEVARD); 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 obtain appraisals, 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 41st Street (South Sound Boulevard) 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:

Urban Arterial Street Project No.85197(05):

Thirty (30) feet on each side of the following described centerline: Beginning at the intersection of the centerline of Pacific Avenue with the east line of the Northwest  $\frac{1}{4}$  of Sec.20, T. 18 North, R 1 West W.M.; thence S  $1^{\circ} 35' 01''$  W along said east line 1853 feet more or less to the South margin of Elizabeth Avenue.

1st read 12-11-69

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Urban Arterial Street Project No.85197(07):

Thirty (30) feet on each side of the following described centerline: Beginning at the intersection of the south line of Elizabeth Avenue with the east line of the Northwest  $\frac{1}{4}$  of Sec.20, T 18 North, R 1 West, W.M.; thence S  $1^{\circ} 35' 01''$  W along said east line extended 2380 feet more or less to the south margin of Griffith Street.

Said property is sought for the widening of Southeast 41st Street (South Sound Boulevard), the same all being a part of the South Sound Boulevard Urban Arterial Street Project No. 85197(05) - Pacific Avenue to Elizabeth and No. 85197(07) - Elizabeth Avenue to Griffith Street.

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 8<sup>th</sup> day of January, 1970.  
CITY OF LACEY

E. G. Henneman  
MAYOR

ATTEST:

C. R. Ketchum  
CITY CLERK  
DESCRIPTIONS APPROVED:

Norman Krueger  
CITY ENGINEER  
APPROVED AS TO FORM:

Angela Chiquell  
CITY ATTORNEY

12/11/69