

ORDINANCE 857

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 CONSTRUCTION OF A STORM WATER TREATMENT FACILITY FOR THE PACIFIC AVENUE WOODLAND CREEK OUTFALL AND PROVIDING FOR THE PAYMENT OF SAID LANDS AND PROPERTY FROM THE CITY'S STORM WATER UTILITY FUND AND FROM GRANT FUNDS ADMINISTERED BY THE WASHINGTON STATE DEPARTMENT OF ECOLOGY

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, as follows:

Section 1. 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 for the construction of a storm water treatment facility for the Pacific Avenue Woodland Creek outfall over those lands and property legally described in Exhibit "A" attached hereto and by this reference made a part hereof.

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

Section 3. Payment for the lands and property and property rights herein ordered to be taken or damaged shall be made from the

city's Storm Water Utility Fund and from grant funds administered by the Washington State Department of Ecology.

Section 4. 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 within the time allowed by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY,
WASHINGTON, this 27th day of APRIL, 1989.

CITY COUNCIL

By Kay Boyd
Mayor

Attest:

Cimothy McGuire
City Clerk

Approved as to form:

[Signature]
City Attorney

Published: _____

EXHIBIT "A"

Parcel 1 (Ranney)

The North 220 feet of Tract 58, Lacey Villas, according to the Plat thereof recorded in Volume 10 of Plats, page 23, records of Thurston County, Washington.

Parcel 2 (Riedel)

The North 140 feet and the South 80 feet of the North 220 feet of the East 116.67 feet of Tract 59 of Lacey Villas and the East 66-2/3 feet of Tract 60 of Lacey Villas, all as recorded in Volume 10 of Plats at page 23, records of Thurston County Auditor, together with an easement twenty feet in width for ingress and egress from Seventh Avenue S.E. to said described property, all located in Thurston County, Washington.