

ORDINANCE 872

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 OF 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 OF AN EASEMENT OVER AND THROUGH CERTAIN LANDS AND PROPERTY FOR THE PURPOSE OF CONSTRUCTING A SEWER LINE; PROVIDING FOR THE PAYMENT FOR SAID LANDS AND PROPERTY FROM THE CITY'S SEWER UTILITY FUND AND DECLARING A PUBLIC USE AND NECESSITY

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

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 of an easement or easements over certain lands and property to be utilized for the construction, operation and maintenance of sewer interceptors or lines and other necessary improvements which lands are situated in Thurston County, Washington, and legally described on Exhibit "A" attached hereto and by this reference made a part hereof. Said property is sought for the purpose of installing underground sewer interceptor or lines and other necessary improvements.

Section 2. That the acquisition of said easements 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 sewer utility fund.

Section 4. That the easements described on Exhibit "A" shall only be considered to be taken to the extent that said easements are not already dedicated to the public for sewer line purposes.

Section 5. 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 and property rights after the amount of damages has been ascertained and within the time allowed by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON,
this 21st day of DECEMBER, 1989.

CITY COUNCIL

BY Kay M. Boyd
Mayor

Attest:

Charlotte M. Taylor
City Clerk

Approved as to form:

[Signature]
City Attorney

Published: December 24, 1989

EXHIBIT "A"

Easement description Parcel 1:

The south 20 feet of the north 23 feet and the west 15 feet lying south of the north 23 feet all of lot 2 of City of Olympia short subdivision number 5151 as recorded in Volume 10 at pages 565-569 under Thurston County Auditor's File No. 1069623, together with a temporary construction easement over and upon the north 3 feet and the south 10 feet of the north 33 feet lying east of the west 15 feet of said lot and over and upon the east 20 feet of the west 35 feet of that portion of said lot lying south of the north 33 feet thereof, all in Thurston County, Washington.

Easement description Parcel 2:

The east 5 feet of lot 3 of City of Olympia short subdivision number 5151 as recorded in Volume 10 at pages 565-569 under Thurston County Auditor's File No. 1069623, all in Thurston County, Washington.