

ORDINANCE 880

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 OF EASEMENTS OVER CERTAIN LANDS AND PROPERTY FOR THE PURPOSE OF CONSTRUCTING SEWERAGE LINES AND APPURTENANCES; PROVIDING FOR THE PAYMENT FOR SAID EASEMENTS FROM THE CITY'S U.L.I.D. NO. 11 FUND OR SUCH OTHER FUND AS MAY BE DETERMINED, 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 easements over certain lands and property to be utilized for construction and maintenance of sewerage lines and appurtenances, situated in Thurston County, Washington, and legally described in Exhibit "A" attached hereto and by this reference made a part hereof. Said property is sought for sewerage system improvements and extensions, the same all being a part of the Utility Local Improvement District No. 11 project.

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 Utility Local Improvements District No. 11 Fund or temporarily from such other funds as shall be necessary.

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.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, this 22nd day of February, 1990.

CITY COUNCIL

BY Kay M. Boyd
Mayor

Attest:

Charlotte M. Taylor
City Clerk

Approved as to form:

[Signature]
City Attorney

Published: February 28, 1990

Exhibit A - Ordinance #880

Easement No. 11802420000

Parcel 1.:

The west twenty (20) feet of parcel 1 of non-platted street subdivision no. NPS-0030, as recorded February 6, 1981, under Auditor's File No. 1135016.

Easement No. 11802420200

Parcel 2.:

The west twenty (20) feet of parcel 2 of non-platted street subdivision no. NPS-0030, as recorded February 6, 1981, under Auditor's File No. 1135016.

Easement No. 11802420400

Parcel 3.:

The west twenty (20) feet of parcel 4 of non-platted street subdivision no. NPS-0030, as recorded February 6, 1981, under Auditor's File No. 1135016.

Easement No. 11802420500

Parcel 4.:

The west twenty (20) feet of parcel 5 of non-platted street subdivision no. NPS-0030, as recorded February 6, 1981, under Auditor's File No. 1135016.

Easement No. 11802430600

Parcel 5.:

The west twenty (20) feet of parcel 6 of non-platted street subdivision no. NPS-0030, as recorded February 6, 1981, under Auditor's File No. 1135016.

Easement No. 11802430700

Parcel 6.:

The west twenty (20) feet of parcel 7 of non-platted street subdivision no. NPS-0030, as recorded February 6, 1981, under Auditor's File No. 1135016.

Easement No. 11802430800

Parcel 7.:

The west twenty (20) feet of parcel 8 of non-platted street subdivision no. NPS-0030, as recorded February 6, 1981, under Auditor's File No. 1135016.

Easement No. 11802430900

Parcel 8.:

The west twenty (20) feet together with the north twenty (20) feet of parcel 9 of non-platted street subdivision no. NPS-0030, as recorded February 6, 1981, under Auditor's File No. 1135016.

Easement No. 11811120100

Parcel 9.:

The west twenty (20) feet of parcel 10 of non-platted street subdivision no. NPS-0030, as recorded February 6, 1981, under Auditor's File No. 1135016.

Easement No. 11811120200

Parcel 10.:

The west 20 feet of that portion of the northwest quarter of the northeast quarter of Section 11, Township 18 North, Range 1 West, W.M., lying southwesterly of Marvin Road and northerly of the property described in deed to Norman Iverson, recorded December 13, 1973 under Auditor's File No. 903247; in Thurston County, WA.

Easement No. 11811210000

Parcel 11.:

The east 20 feet of that portion of the east half of the northeast quarter of the northwest quarter of Section 11, Township 18 North, Range 1 West W.M., lying easterly of the property described in deed to Norman Iverson recorded December 13, 1973, under Auditor's File No. 903247, in Thurston County, WA.

Easement No. 11811210100 (temporary)

Parcel 12.:

The north 20 feet of parcel 2 of short plat no. SS-1448, as recorded April 21, 1980 under Auditor's File No. 1110152, in Volume 14 of Short Plats, page 346, in Thurston County, WA.

Easement No. 11811210200

Parcel 13.:

That portion of parcel 1 of short plat no. SS0-1448, as recorded April 21, 1980 under Auditor's File No. 1110152 in Volume 14 of short plats, page 346 lying within the east 20 feet of the northwest quarter of Section 11, Township 18 North, Range 1 West, W.M., in Thurston County, WA.

Easement No. 11811200000 (temporary)

Parcel 14.:

The north 20 feet of the west 3/4 of the northwest quarter of Section 11, Township 18 North, Range 1 West, W.M., lying north of PSH #1 (SR-5) in Thurston County, WA.

Easement No. 11811310000 (temporary)

Parcel 15.:

The north 20 feet of the east 20 feet of the north half of the northeast quarter of the southwest quarter of Section 11, Township 18 North, Range 1 West, W.M., in Thurston County, WA.

Easement No. 1180223000 (temporary)

Parcel 16.:

The east 20 feet of that portion of the south half of the northwest quarter of Section 2, Township 18 North, Range 1 West, W.M., lying easterly of Marvin Road in Thurston County, WA.

Easement No. 11802340000

Parcel 17.:

The south 30 feet of that portion of the southeast quarter of the southwest quarter of Section 2, Township 18 North, Range 1 West, W.M., in Thurston County, WA described as follows:

Beginning at the southwest corner of said subdivision; thence north $1^{\circ}13'46''$ east along the west line of said subdivision 216.13 feet; thence north $70^{\circ}12'22''$ east 853.39 feet to the westerly line of Marvin Road and a point on a curve, the radius of which bears north $57^{\circ}37'37''$ east 3,850 feet distant; thence southeasterly along said westerly line and along said curve 694.57 feet to the south line of said subdivision, thence north $87^{\circ}54'33''$ west along said south line 1,231.08 feet to the point of beginning. Except therefrom that portion described as follows:

Beginning at the intersection of the west line of Marvin Road with the north line of the south 20 feet of said southeast quarter of the southwest quarter, thence west along said north line to the west line of the east 326 feet of said southeast quarter of the southwest quarter; thence north 0°31'56" west along said west line a distance of 86 feet; thence north 87°12'40 east to said west line of Marvin Road; thence southerly along said west line to the point of beginning.

Easement No. 11802330200

Parcel 18.:

The south 30 feet of the south 1/2 of the southwest quarter of the southwest quarter of Section 2, Township 18 North, Range 1 West, W.M., in Thurston County, WA.

Easement No. 11802340200

Parcel 19.:

The south 10 feet of that portion of the south 110 feet of the east 326 feet of the southeast quarter of the southwest quarter of Section 2, Township 18 North, Range 1 West, W.M. which lies westerly of County road known as Marvin Road; except the north 22 feet of the west 18 feet thereof; and except the south 20 feet thereof in Thurston County, WA.

Easement No. 11811210300

Parcel 20.:

The east 20 feet of the south 329.07 feet of the north 1048.94 feet of the east half of the northeast quarter of the northwest quarter of Section 11, Township 18 North, Range 1 West, W.M., in Thurston County, WA.

DEH16/pw2