

ORDINANCE NO. 800
AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, PROVIDING FOR THE ACQUISITION OF CERTAIN PROPERTY FOR THE PURPOSE OF ESTABLISHING A WETLAND RESOURCE CONSERVANCY PARK, TO BE KNOWN AS THE WILKINSON PARK, TOGETHER WITH ALL RELATED IMPROVEMENTS NECESSARY FOR THE PARK PROJECT AND IN CONFORMANCE WITH APPLICABLE CITY STANDARDS; PROVIDING FOR THE CONDEMNATION, APPROPRIATION, TAKING AND DAMAGING OF LAND OR OTHER PROPERTY THEREFORE; PROVIDING THAT THE ENTIRE COST THEREOF SHALL BE PAID FROM CITY FUNDS; AND DIRECTING THE CITY ATTORNEY TO PROSECUTE THE APPROPRIATE ACTION AND PROCEEDINGS IN THE MANNER PROVIDED BY LAW FOR SAID CONDEMNATION.

WHEREAS, the acquisition of property for and the establishment of the Wilkinson Park project is an important part of the City's Comprehensive Parks Plan; and

WHEREAS, the City has attempted to negotiate the purchase of all necessary property rights for the Park project from the property owners but has reached an impasse; and

WHEREAS, in view of the impasse reached with the property owners, the City Council has determined to condemn the property necessary for establishment of the Wilkinson Park project; now, therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, DO
ORDAIN AS FOLLOWS:

Section 1. Public Use. The City Council acknowledges that it has the authority, pursuant to RCW 8.12.030, to condemn land or property, or to damage the same, for public parks.

Section 2. Need for Property. The public health, safety, necessity and convenience

demand that the Wilkinson Park project be established, and that certain property be condemned, appropriated, taken and damaged for the establishment of the Park and installation of said improvements as provided by this ordinance.

Section 3. Declaration of Necessity. The City Council of the City of Gig Harbor, after hearing the report of City Staff and reviewing the planned improvements for the project, hereby declares that the property described on Exhibit A which is attached hereto and incorporated herein by this reference as if fully set forth, is necessary for the public use, i.e., for the establishment of the Wilkinson Park project, including property acquisition and park improvements.

Section 4. Condemnation. The real property described on Exhibit A shall be, and the same is hereby condemned, appropriated, taken and damaged for the purposes of establishment of the Wilkinson Park project, including property acquisition and installation of necessary park improvements to make a complete project in accordance with City of Gig Harbor standards. Condemnation of the property is subject to the payment of just compensation to the owners thereof in the manner provided by law.

Section 5. Authority of the City Attorney. The City Attorney is hereby authorized and directed to begin and prosecute the proceedings provided by law to condemn, take and appropriate the property and/or property rights necessary to carry out the provisions of this ordinance, and is further authorized in conducting said condemnation proceedings, and for the purpose of minimizing damages, to stipulate as to the use of the property hereby authorized to be condemned and appropriated and as to the reservation of any right of use of the owner, provided that such reservation does not interfere with the use of said property as provided in this ordinance. The

City Attorney is further authorized to adjust the location and/or width of any easement taken in order to minimize damages, provided that said adjustments do not interfere with the use of said property by the City as provided in this ordinance.

Section 6. Source of Funds. The entire cost of the property acquisition authorized by this ordinance, including all cost and expenses of condemnation proceedings, shall be paid from City funds.

Section 7. Consistency with the City's Comprehensive Plan. Pursuant to 36.70A.120, this condemnation is consistent with the City's Comprehensive Plan.

Section 8. Effective Date. This ordinance, being the exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect and be in full force five (5) days after its passage and publication of the attached summary, which is hereby approved.

APPROVED:

MAYOR, GRETCHEN A. WILBERT

ATTEST/AUTHENTICATED:

CITY CLERK, MOLLY TOWSLEE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY _____
CITY ATTORNEY, CAROL A. MORRIS

FILED WITH THE CITY CLERK: 6/3/98
PASSED BY THE CITY COUNCIL: 8/10/98
PUBLISHED: 8/19/98
EFFECTIVE DATE: 8/24/98
ORDINANCE NO. 800

SUMMARY OF ORDINANCE NO. 800
of the City of Gig Harbor, Washington

On the 10th day of August, 1998, the City Council of the City of Gig Harbor, passed Ordinance No.800. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, PROVIDING FOR THE ACQUISITION OF CERTAIN PROPERTY FOR THE PURPOSE OF ESTABLISHING A WETLAND RESOURCE CONSERVANCY PARK, TO BE KNOWN AS THE WILKINSON PARK, TOGETHER WITH ALL RELATED IMPROVEMENTS NECESSARY FOR THE PARK PROJECT AND IN CONFORMANCE WITH APPLICABLE CITY STANDARDS; PROVIDING FOR THE CONDEMNATION, APPROPRIATION, TAKING AND DAMAGING OF LAND OR OTHER PROPERTY THEREFORE; PROVIDING THAT THE ENTIRE COST THEREOF SHALL BE PAID FROM CITY FUNDS; AND DIRECTING THE CITY ATTORNEY TO PROSECUTE THE APPROPRIATE ACTION AND PROCEEDINGS IN THE MANNER PROVIDED BY LAW FOR SAID CONDEMNATION.

The full text of this Ordinance will be mailed upon request.

DATED this 11th day of August, 1998.

CITY CLERK, MOLLY TOWSLEE