

ORDINANCE NO. 848

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO CONDEMNATION OF PROPERTY INTERESTS ASSOCIATED WITH THE PROPERTY INTERESTS ASSOCIATED WITH THE PROJECT COMMONLY KNOWN AS PUMP STATION NO. 3, AMENDING ORDINANCE 841 TO ADD EXHIBITS C AND D, WHICH DESCRIBING THE NECESSARY ACCESS REQUIRED BY THE CITY TO THE PROPERTY, INCLUDING THE SAME IN THE CONDEMNATION PROCESS TO APPROPRIATE, TAKE AND DAMAGE SUCH ACCESS EASEMENT, AND DIRECTING THE CITY ATTORNEY TO CONTINUE TO PROSECUTE THE APPROPRIATE ACTION AND PROCEEDING IN THE MANNER PROVIDED BY LAW FOR SAID CONDEMNATION.

WHEREAS, on April 10, 2000, the City Council passed Ordinance No. 841, for the condemnation, appropriation and taking of certain property and property interests associated with a project commonly known as Pump Station No. 3, and necessary for the operation of the City's Waste Water Treatment Plant; and

WHEREAS, the Exhibits attached to Ordinance No. 841 did not describe the easements required by the City in order to access the property the City seeks to condemn for Pump Station No. 3; and

WHEREAS, although the condemnation of the property described in Exhibits A and B to Ordinance No. 841 necessarily implies access to the property to install, construct, maintain, operate, repair and reconstruct Pump Station No. 3, the addition of Exhibits C and D will ensure that there is no question as to the extent of the property interests sought by the City in the pending condemnation action; Now, Therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, ORDAINS
AS FOLLOWS:

Section 1. Ordinance No. 841 Amended. The City Council hereby amends Ordinance No. 841 with the addition of Exhibits C and D, which are attached hereto.

Section 2. Declaration of Public Use. The City Council hereby finds that the construction of Pump Station No. 3, which is a necessary appurtenance to the City's Waste Water Treatment Plant, and contemplated by the City's NPDES permit for the Waste Water

Treatment Plant, is a Public Use. The City Council finds that access to the property, as described in Exhibits C and D, for the purpose of allowing the City to construct, reconstruct, maintain, operate and repair Pump Station No. 3, is a Public Use.

Section 3. Declaration that Public Interest Requires the Property. The public health, safety, necessity and convenience demand that the Pump Station No. 3 Project, including acquisition of property and/or property interests, legally described in Exhibit A in Ordinance 841, be condemned, appropriated, taken and damaged for the construction of said Project and improvements. The Council makes that same findings as to the property interests described in Exhibits C and D, which describe the access easement allowing the city to construct, reconstruct, maintain, operate and repair Pump Station No. 3.

Section 4. Declaration of Necessity. The City Council of the City of Gig Harbor, after hearing the report of the City Staff, and reviewing the plan for construction of the Pump Station No. 3 Project, hereby declares that all of the property described in Exhibit A and as depicted in Exhibit B in Ordinance 841, is necessary for public use and the construction of the Pump Station No. 3 Project, to accomplish the public purpose. The Council makes the same finding as to the property interests described in Exhibits C and D, which describe the access easement allowing the City to construct, reconstruct, maintain, operate and repair Pump Station No. 3.

Section 5. Authority of the City Attorney. The City Attorney is hereby authorized and directed to begin and prosecute the condemnation proceedings provided by law to condemn, take and appropriate the Property necessary to carry out the provisions of this ordinance, and to pay just compensation to the property owners as provided in Chapter 8.12 RCW.

Section 6. 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 upon its passage.

Section 7. Ordinance Passed Under Procedure in GHMC 1.08.020. Pursuant to GHMC 1.08.020 the City Council may take action on this ordinance on the day of its introduction, upon the affirmative vote of a majority plus one of the whole membership of the Council. On August 28, 2000, this ordinance was passed by at least a majority plus one of the whole membership of the City Council.

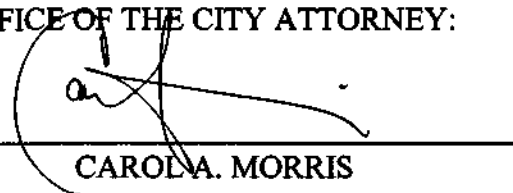
APPROVED:


MAYOR, GRETCHEN WILBERT

ATTEST/AUTHENTICATED:


CITY CLERK, MOLLY TOWSLEE

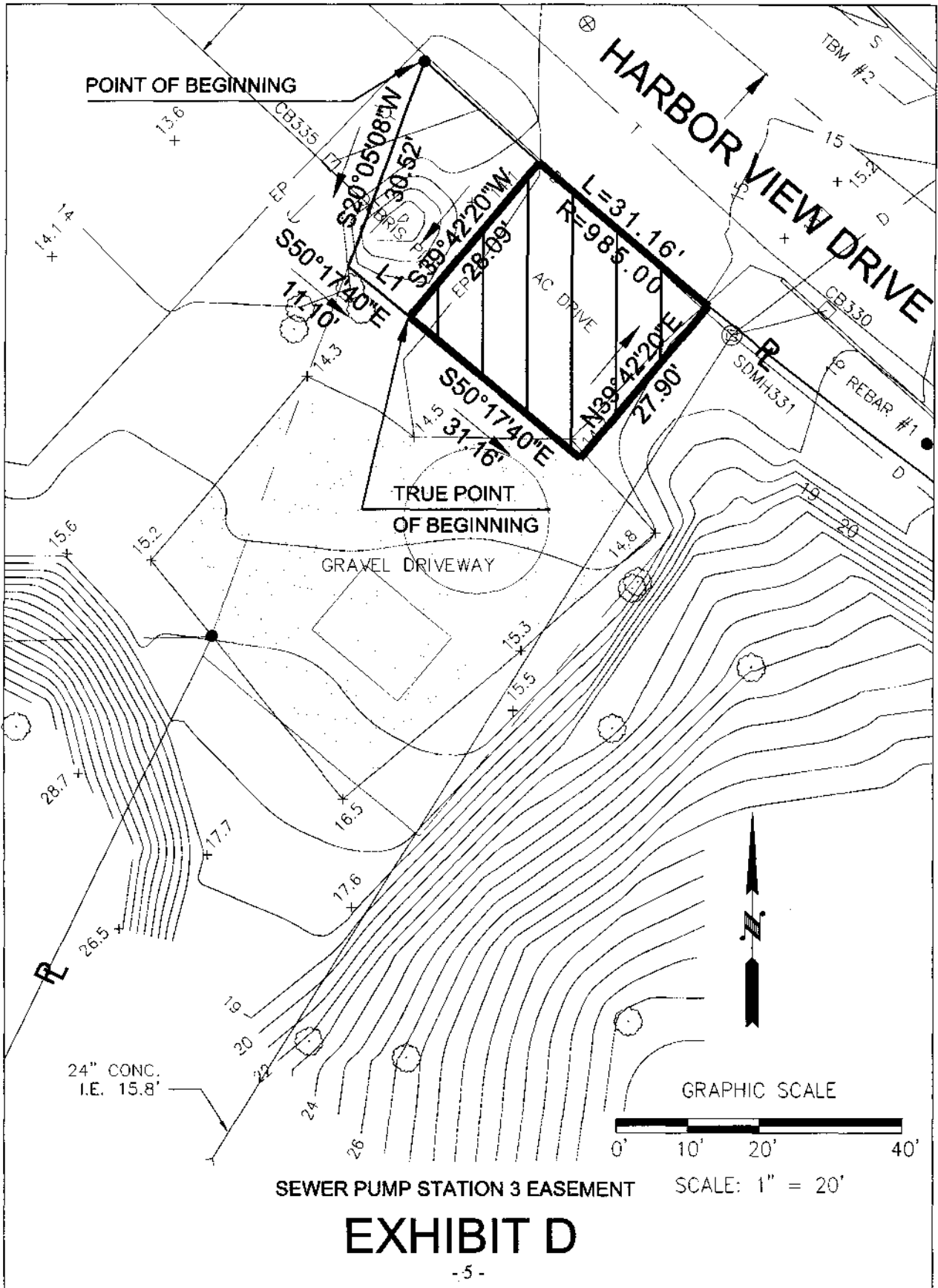
APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY 
CAROL A. MORRIS

FILED WITH THE CITY CLERK: 8/23/00
PASSED BY THE CITY COUNCIL: 8/28/00
PUBLISHED: 9/6/00
EFFECTIVE DATE: 8/28/00

EXHIBIT C
Legal description

THE POINT OF BEGINNING, beginning at the Northwest property corner of Parcel No. 0221064154 which lies on the right of way line of Harborview Drive, thence $S20^{\circ}05'08''W$ 30.52', thence $S50^{\circ}17'40''E$ 11.10' to the TRUE POINT OF BEGINNING, thence $S50^{\circ}17'40''E$ 31.16', thence $N39^{\circ}42'20''E$ 27.90' to the right of way line of Harborview Drive, thence in a Northwesterly direction along the right of way line with a radius of 985' and a length of 31.16', thence $S39^{\circ}42'20''W$ 28.09' to the TRUE POINT OF BEGINNING.



D