



RESOLUTION NO. 38924

1 A RESOLUTION related to surplus property; approving the sale of approximately
2 13.06 acres of property located off of Howe Road in Lewis County, owned
3 by the Department of Public Utilities, Power Division (d.b.a. "Tacoma
4 Power") and now surplus to its needs, to Mr. David Filla for the negotiated
5 price of \$160,515.

6 WHEREAS the City of Tacoma, Department of Public Utilities, Power
7 Division (d.b.a. "Tacoma Power"), owns approximately 13.06 acres of property
8 located off of Howe Road in Lewis County ("Property"), with an estimated market
9 value of \$160,515, as more fully described in the documents on file in the office
10 of the City Clerk, and

11 WHEREAS the Property was acquired by Tacoma Power in 2011 as part
12 of a larger, 73-acre purchase of property from Mr. David Filla, and

13 WHEREAS funds from the original acquisition were provided by the
14 Cowlitz Fish Habitat Fund, established in accordance with Federal Energy
15 Regulatory Commission License No. 2016 (Cowlitz River Hydroelectric Project),
16 as part of Tacoma Power's efforts to enhance the Lower Cowlitz River fish
17 habitat, and

18 WHEREAS, at the time of purchase, Mr. Filla was unable to exclude the
19 subject 13.06 acres of Property from the sale, but has since completed a
20 boundary line survey and offered to purchase said Property for the amount of
21 \$160,515, and

22 WHEREAS Tacoma Water has determined that the Property is not
23 necessary for current or future needs, and a negotiated sale in the amount of
24 \$160,515 would be in the best interests of the City, and
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1 WHEREAS, on May 14, 2014, by adoption of Public Utility Board
2 Resolution No. U-10692, the Property was declared surplus to the needs of
3 Tacoma Power and approved for sale, pending confirmation from the City
4 Council, and

5 WHEREAS, as required by state law, a public hearing was held on June 3,
6 2014, to allow the public to comment on the proposed sale, and no objections
7 were received, and

8 WHEREAS, there being no foreseeable need for continued City ownership
9 of the Property, a declaration of surplus and negotiated disposition of the
10 Property and the execution of a Purchase and Sale Agreement to convey said
11 Property in fee simple to Mr. Filla for the negotiated price of \$160,515 appears to
12 be in the best interests of the City, pending final approval from the City Council;
13 Now, Therefore,

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15 **BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:**

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17 Section 1. That continued fee ownership of the City property, consisting of
18 approximately 13.06 acres of City-owned real property located off of Howe Road
19 in Lewis County, Washington, is not essential to the needs of the City and is
20 hereby declared surplus property pursuant to RCW 35.22.020 and Article I,
21 Section 1.2, and Article IX of the Tacoma City Charter.

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23 Section 2. That the proper officers of the City are hereby authorized to
24 enter into a Real Estate Purchase and Sale Agreement to convey this portion of
25 real property in fee simple to Mr. David Filla for the negotiated price of \$160,515,
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1 said agreement to be substantially in the form of the document on file in the office
2 of the City Clerk.

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4 Adopted _____

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Mayor

7 Attest:

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City Clerk

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11 Approved as to form:

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Chief Deputy City Attorney

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15 Requested by Public Utility Board
16 Resolution No. U-10692

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