



## ORDINANCE NO. 28964

1 AN ORDINANCE declaring the public necessity for, and providing for the  
2 acquisition by eminent domain, certain real property located along East  
3 Portland Avenue between East 56<sup>th</sup> Street and East 64<sup>th</sup> Street, for right-  
4 of-way necessary to construct the pedestrian, signal safety and road  
5 improvements in connection with the East Portland Avenue Project;

6 WHEREAS the City of Tacoma (City) is planning to improve East  
7 Portland Avenue from East 56th Street to East 64th Street, and

8 WHEREAS the project area of improvement is approximately one half  
9 mile in length and will include replacing curb ramps to comply with Americans  
10 with Disabilities Act standards, installing a new High-Intensity Activated  
11 Crosswalk Beacon signalized pedestrian crossing at East 60th Street, and  
12 grinding and replacing the roadway surface, and

13 WHEREAS, that while six (6) out of the seven (7) parcel negotiations  
14 have been completed successfully, there is currently one (1) parcel negotiation  
15 in which negotiations have come to an impasse, and

16 WHEREAS property right acquisition on the one remaining parcel is  
17 comprised of a temporary construction easement for 18 square feet, and

18 WHEREAS the outstanding parcel negotiation is critical to allow the  
19 project to proceed and avoid further impacts to grant funding timelines and  
20 deadlines, and

21 WHEREAS negotiations will continue with the property owners up until  
22 trial or final settlement, and if the property owners settle, they will be removed  
23 from the condemnation action;  
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NOW THEREFORE, BE IT ORDAINED BY THE CITY OF TACOMA:

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Section 1. Findings

A. That the City Council finds that the public use, necessity, and convenience now require the acquisition of a real property interest in certain parceled real property located within and adjacent to the East Portland Avenue corridor, between East 56<sup>th</sup> Street and East 64<sup>th</sup> Street, for the construction of pedestrian and signal safety improvements in connection with the East Portland Avenue Project (Project).

B. The real property interest to be taken pursuant to this Ordinance is a temporary construction easement on one (1) parceled real property commonly referred to as: 5927 East Portland Avenue (Subject Property), depicted on the map attached hereto as Exhibit A.

C. The City, by and through its Public Works Department, has actively worked in good faith to acquire the necessary real property interest on the Subject Property by negotiated sale.

D. The property owners of the Subject Property have been non-responsive to all attempts made to discuss and negotiate with the City.

E. The City of Tacoma's Public Works Department has a Six-Year Comprehensive Transportation Improvement Program, which indicates that the Subject Property is necessary in the public interest and convenience to be acquired for the Project.

F. Due to the public need for pedestrian safety improvements and road improvements to accommodate present use, growth, development, and traffic



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needs, the public use and necessity requires the City to initiate the acquisition of the necessary property rights on the Subject Property for the public Project by exercise of the power of eminent domain.

G. The Subject Property to be acquired by negotiated sale or by eminent domain proceedings authorized by this Ordinance are within the city limits of the City of Tacoma, Pierce County, Washington and are necessary for the Project.

Section 2. The Subject Property to be acquired by eminent domain proceedings, shall be acquired only after just compensation has been made or paid into the Pierce County Superior Court registry or special account for the benefit of the owner or owners in a manner provided by law.

Section 3. All just compensation, fees, and costs associated with the acquisition by eminent domain proceedings of the Subject Property, shall be paid from the Transportation Capital Fund, and if this fund were insufficient, from the City's General Fund or other funds then available for such purposes.

Section 4. The City Attorney is hereby authorized to begin and prosecute the actions and proceedings in the manner provided by law to condemn, take, and appropriate all lands, real property interests and other properties as necessary to carry out the provisions of this Ordinance. The City Attorney is also authorized to enter into stipulations for the purpose of



minimizing damages, including all stipulations authorized by Washington State  
1 law.

2 Passed \_\_\_\_\_  
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5 Mayor

6 Attest:  
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8 \_\_\_\_\_  
9 City Clerk

10 Approved as to form:  
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12 \_\_\_\_\_  
13 Chief Deputy City Attorney  
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EXHIBIT "A"

5927 East Portland Ave

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