



ORDINANCE NO. 28827

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3 AN ORDINANCE relating to transportation and streets and sidewalks;
4 declaring the public necessity for, and providing for the acquisition
5 by the City of Tacoma by eminent domain of fee and temporary
6 easement interests in certain property described herein located
7 along the South Tacoma Way Corridor between South Pine and
8 South "M" Streets, to construct pedestrian improvements and
9 related facilities within the City of Tacoma, Washington; authorizing
10 the City Attorney to prosecute eminent domain proceedings and to
11 stipulate in mitigation of damages; providing for payment for such
12 property; and declaring an emergency, making this ordinance
13 effective upon passage.

14 WHEREAS the City of Tacoma Public Works Department has
15 developed right-of way plans which indicate that fee interests and temporary
16 easements in portions of three (3) parcels located along the South Tacoma
17 Way Corridor between South Pine and South "M" Streets are necessary to
18 be acquired as one of the final links for the Water Ditch Trail Phase IIIA and
19 IIIB Project, and



1 WHEREAS the City has negotiated in good faith as to the amount of
2 compensation due to the property owners, and

3 WHEREAS written and published notice has been provided to the
4 property owners of the City's intent to commence eminent domain
5 proceedings as required by law, and
6

7 WHEREAS the City Council is exercising its independent discretion to
8 proceed with eminent domain to establish the right to take such property for
9 a public purpose and to settle the amount of compensation owing to the
10 property owners; Now, Therefore,
11

12 BE IT ORDAINED BY THE CITY OF TACOMA:

13 Section 1. Findings.

14 A. The City Council finds that the public use, necessity, and
15 convenience now require the acquisition of fee interests and temporary
16 easements in certain portions of parcels of real property located within and
17 adjacent to the South Tacoma Way corridor between South Pine and
18 South "M" Streets, for the construction of pedestrian improvements and
19 related facilities for the Water Ditch Trail Phase IIIA and IIIB project ("Project")
20 to improve pedestrian and bicycle safety along the South Tacoma Way
21 corridor and to connect South Tacoma with downtown Tacoma, the Tacoma
22 Dome, and the Thea Foss Waterway.
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1 B. The property to be taken pursuant to this Ordinance includes fee
2 and temporary easement interests in portions of three (3) parcels commonly
3 referred to as 2719 South Tacoma Way, 1717 South Tacoma Way, and
4 1517 South Tacoma Way (“Subject Property”), depicted on the map(s)
5 attached hereto as Exhibit “A,” Depiction of Subject Property.
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7 C. The City of Tacoma, by and through its Public Works Department,
8 has actively worked in good faith to acquire the Subject Property by
9 negotiated sale.
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11 D. Honest differences of opinion exist between the City of Tacoma
12 and the owners of the Subject Property.
13

14 E. The City of Tacoma’s Public Works Department has a Six-Year
15 Comprehensive Transportation Improvement Program, which indicates that
16 the Subject Property is necessary in the public interest and convenience to
17 be acquired for the Project.
18

19 F. Due to the public need for pedestrian safety improvements to
20 accommodate present growth, development, and traffic needs, the public
21 necessity and convenience requires the City to initiate the acquisition of the
22 Subject Property by exercise of the power of eminent domain.
23

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

3 Section 2. The Subject Property to be acquired by eminent domain
4 proceedings, shall be acquired only after just compensation has been made
5 or paid into the Pierce County Superior Court registry or special account for
6 the benefit of the owner or owners in a manner provided by law.
7

8 Section 3. All just compensation, fees, and costs associated with the
9 acquisition by eminent domain proceedings of the Subject Property, shall be
10 paid from the Transportation Capital Fund, and if this fund were insufficient,
11 from the City's General Fund or other funds then available for such
12 purposes.
13

14 Section 4. The City Attorney is hereby authorized to begin and
15 prosecute the actions and proceedings in the manner provided by law to
16 condemn, take, and appropriate all lands and other properties as necessary
17 to carry out the provisions of this Ordinance. The City Attorney is also
18 authorized to enter into stipulations for the purpose of minimizing damages,
19 including all stipulations authorized by Washington State law.
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21 Section 5. There is an immediate need to initiate eminent domain
22 proceedings to acquire the Subject Property to accommodate the Project; an
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emergency is hereby declared; and this Ordinance shall go into effect immediately upon final passage.

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Chief Deputy City Attorney



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EXHIBIT "A"
DEPICTION OF SUBJECT PROPERTY

EXHIBIT 'A'

T.P.N. 486000302
2719 SOUTH TACOMA WAY
(OWNERSHIP: 2719 SOUTH TACOMA WAY LLC)



NORTH

SCALE: 1"=50'

LEGEND




-  RIGHT OF WAY LINE
-  PROPERTY LINE
-  PROPERTY



EXHIBIT 'A'

T.P.N. 2855001171
1717 SOUTH TACOMA WAY
(OWNERSHIP: HEDAYAT PATRICIA E)



NORTH

SCALE: 1"=20'

LEGEND




-  RIGHT OF WAY LINE
-  PROPERTY LINE
-  PROPERTY



EXHIBIT 'A'




T.P.N. 7105000340
1517 SOUTH TACOMA WAY
(OWNERSHIP: 1517 S. TACOMA LLC)



NORTH

SCALE: 1"=50'

LEGEND

-  RIGHT OF WAY LINE
-  PROPERTY LINE
-  PROPERTY

