



ORDINANCE NO.

AN ORDINANCE relating to environmental services and stormwater utility facilities; declaring the public necessity for, and providing for the acquisition by eminent domain, certain property located along a vacated alleyway located between Puyallup Avenue and East 25th Street, adjacent to the east side of "A" Street; for the acquisition of easement rights to repair, replace, maintain, and construct the stormwater trunk main and associated facilities.

WHEREAS the City of Tacoma's Environmental Services Department's Puyallup Avenue Sewer Utility Replacement Project involves the replacement, rerouting, and rehabilitation of essential wastewater and stormwater trunk mains, and

WHEREAS the stormwater trunk mains play a critical role in transporting millions of gallons of wastewater to our Central Wastewater Treatment Plant and preventing localized flooding by conveying stormwater to the Thea Foss Waterway, and



1 WHEREAS the project scope encompasses the intersection of Pacific
2 Avenue and South Tacoma Way/26th Street, which is subject to flooding
3 during severe storm events, and
4

5 WHEREAS in addition, portions of the stormwater and wastewater
6 systems in the project vicinity are aging and require replacement, and
7

8 WHEREAS the project is intended to mitigate flooding in the project
9 area and rehabilitate, replace and upgrade approximately 4,700 linear feet of
10 large (up to 72-inch diameter) sewer pipes, and
11

12 WHEREAS the work involves a stormwater trunk main and associated
13 facilities that are within an alleyway that was vacated via Ordinance No. 25059,
14 passed by the City Council on April 14, 1992, and no easements were
15 reserved within the Ordinance, and
16

17 WHEREAS attempts to negotiate an easement with the property owner
18 began in May of 2025, with subsequent offers being provided multiple times in
19 2026 without successful resolution, and
20
21
22
23



1 WHEREAS an easement is necessary to allow the project to proceed
2 as this project is delivered using a design-build contract, and the initial
3 construction is planned to begin in the area in the first half of 2027, and
4

5 WHEREAS negotiations will continue with the property owner up until
6 trial or final settlement, and if the property owner settles, the condemnation
7 action will cease, and
8

9 WHEREAS the City Council is exercising its independent discretion to
10 proceed with eminent domain to establish the right to take such property for a
11 public purpose and to settle the amount of compensation owing to the property
12 owners; Now, Therefore,
13

14 BE IT ORDAINED BY THE CITY OF TACOMA:

15 Section 1. Findings
16

17 A. That the City Council finds that the public use, necessity, and
18 convenience now require the acquisition of a permanent easement in certain
19 portions of parcels of real property located along a vacated alleyway located
20 between Puyallup Avenue and East 25th Street, adjacent to the east side of
21
22
23



1 "A" Street, for the acquisition of easement rights to repair, replace, maintain,
2 and construct the stormwater trunk main and associated facilities ("Project").

3
4 B. That the property to be taken pursuant to this Ordinance includes an
5 easement interest in portions of two parcels commonly referred to as: 102-106
6 Puyallup Avenue and 101 East 25th Street ("Subject Property"), depicted on
7 the map attached hereto as Exhibit "A," Depiction of Subject Property.
8

9 C. The City of Tacoma, by and through its Environmental Services and
10 Public Works Departments, has actively worked in good faith to acquire the
11 necessary easement rights by negotiated sale.
12

13 D. The property owner has not agreed to the acquisition thus far.

14 E. Due to the public need for stormwater and wastewater
15 improvements to accommodate present growth, development, and utility
16 infrastructure needs, the public necessity and convenience requires the City to
17 initiate the acquisition of Subject Property by exercise of the power of eminent
18 domain.
19
20

21 G. The Subject Property to be acquired by negotiated sale or by
22 eminent domain proceedings authorized by this Ordinance is within the city
23



1 limits of the City of Tacoma, Pierce County, Washington and is necessary for
2 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 or
5 paid into the Pierce County Superior Court registry or special account for the
6 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 Stormwater Fund, and if this fund were insufficient, from the
11 City's General Fund or other funds then available for such purposed.
12
13
14
15
16
17
18
19
20
21
22
23



1 Section 4. The City Attorney is hereby authorized to begin and
2 prosecute the actions and proceedings in the manner provided by law to
3 condemn, take, and appropriate all lands and other properties as necessary to
4 carry out the provisions of this Ordinance. The City Attorney is also authorized
5 to enter into stipulations for the purpose of minimizing damages, including all
6 stipulations authorized by Washington State law.
7
8

9
10 Passed _____
11

12
13 _____
Mayor

14 Attest:
15

16 _____
City Clerk
17

18 Approved as to form:
19

20 _____
Deputy City Attorney
21
22
23



EXHIBIT "A"

DEPICTION OF SUBJECT PROPERTY



Parcel Numbers: 2074160012 & 2075150010
Site Addresses: 102-106 Puyallup AVE & 101 E 25th ST