



ORDINANCE NO. 29032

1
2
3 AN ORDINANCE relating to transportation and streets and sidewalks;
4 declaring the public necessity for, and providing for the
5 acquisition by the City of Tacoma by eminent domain certain property
6 described herein located along Sheridan Avenue, to construct
7 pedestrian crossing ramps and signals, sidewalks, driveway
8 approaches, and landscape restoration in connection with the
9 Sheridan Arterial Improvements Phase I Project, reconstructing South
10 Sheridan Avenue from South 72nd to South 64th Streets; and declaring
11 an emergency, making this ordinance effective upon passage.

12 WHEREAS the City of Tacoma Public Works Department has plans to
13 improve South Sheridan Avenue from South 72nd Street to South 64th Street,
14 and the area of improvement is approximately one quarter of a mile in length,
15 and

16 WHEREAS the project will include reconstructing the roadway surface
17 to arterial traffic standards and installing or upgrading traffic and pedestrian
signals, street lights, sidewalks, Americans with Disabilities Act-accessible curb
ramps, stormwater and water utilities, striping, and a shared-use path, and



1 WHEREAS 19 out of the total 23 parcel negotiations have been
2 completed successfully, however, there are currently four parcel negotiations
3 in which negotiations have come to an impasse, and
4

5 WHEREAS the property right acquisitions on the four remaining parcels
6 are comprised of temporary construction easements, minor right of way fee
7 acquisitions, or a combination thereof, and
8

9 WHEREAS the outstanding parcel negotiations are necessary to allow
10 the project to proceed and to avoid impacts to grant funding timelines and
11 deadlines, and
12

13 WHEREAS negotiations will continue with the property owners up until
14 trial or final settlement, and if a property owner settles, they will be removed
15 from the potential condemnation action, and
16

17 WHEREAS an emergency exists here, which allows for a vote and
18 passage after one reading, because the grantor, the state Transportation
19 Improvement Board, has executed extensions on the funding and further
20 delays would put the City at risk of losing funding for the project and the
21 project will not go forward, and
22
23



1 WHEREAS the City Council is exercising its independent discretion to
2 proceed with eminent domain to establish the right to take such property for a
3 public purpose and to settle the amount of compensation owing to the property
4 owners; Now, Therefore,
5

6 BE IT ORDAINED BY THE CITY OF TACOMA:

7 Section 1. Findings.

8 A. The City Council finds that the public use, necessity, and
9 convenience now require the acquisition of fee interests and temporary
10 easements in certain portions of parcels of real property located along
11 Sheridan Avenue, to construct pedestrian crossing ramps and signals,
12 sidewalks, driveway approaches, and landscape restoration in connection with
13 the Sheridan Arterial Improvements Phase I Project, reconstructing South
14 Sheridan Avenue from South 72nd to South 64th Streets ("Project").
15
16
17

18 B. The property to be taken pursuant to this Ordinance includes fee and
19 temporary easement interests in portions of four (4) parcels commonly
20 referred to as: (1) 1315 South 72nd Street, (2) 6481 South Sheridan Avenue,
21 (3) 6477 South Sheridan Avenue, and (4) 6421 South Sheridan Avenue
22
23



1 ("Subject Property"), depicted on the map(s) attached hereto as Exhibit "A,"

2 Depiction of Subject Property.

3 C. The City of Tacoma, by and through its Public Works Department,
4
5 has actively worked in good faith to acquire the Subject Property by negotiated
6 sale.

7
8 D. Honest differences of opinion exist between the City of Tacoma and
9
10 one owner of the Subject Property, and the remaining property owners of the
11 Subject Property have been non-responsive to all attempts made to discuss
12 and negotiate with the City.

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

17
18 F. Due to the public need for pedestrian safety improvements to
19 accommodate present growth, development, and traffic needs, the public
20 necessity and convenience requires the City to initiate the acquisition of the
21 Subject Property by exercise of the power of eminent domain.

22
23 G. The Subject Property to be acquired by negotiated sale or by
24 eminent domain proceedings authorized by this Ordinance are within the city
25



1 limits of the City of Tacoma, Pierce County, Washington and are 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

9 Section 3. All just compensation, fees, and costs associated with the
10 acquisition by eminent domain proceedings of the Subject Property, shall be
11 paid from the Transportation Capital Fund, and if this fund were insufficient,
12 from the City's General Fund or other funds then available for such purposed.
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 to
17 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.
20
21
22
23
24



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

Section 5. There is an immediate need to initiate eminent domain proceedings to acquire the Subject Property to accommodate the Project; an emergency is hereby declared; and this Ordinance shall go into effect immediately upon passage.

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

EXHIBIT "A"

DEPICTION OF SUBJECT PROPERTY

1315 South 72nd Street



6481 South Sheridan Avenue



6477 South Sheridan Avenue



6421 South Sheridan Avenue

