



ORDINANCE NO. 28886

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3 AN ORDINANCE relating to transportation, streets, and safety; declaring the
4 public necessity for, and providing for the acquisition by the City of
5 Tacoma by eminent domain of certain property located between
6 McKinley Avenue and Portland Avenue, to construct the pedestrian,
7 signal safety improvements, and road improvements in connection with
8 the East 64th Street, Phase 2 Improvement Project.

9 WHEREAS the City is planning to improve East 64th Street from
10 Pacific Avenue to the eastern City limits, which is approximately 1.86 miles,
11 and

12 WHEREAS this project is divided into three phases; Phase 1 improved
13 the roadway between Pacific Avenue (State Route 7) and McKinley Avenue,
14 and was completed in 2021, and

15 WHEREAS Phase 2 will continue this work between McKinley Avenue
16 and Portland Avenue, and will include grinding and replacing the road surface,
17 adding bike lanes, adding and replacing sidewalks, adding curb ramps with
18 adding bike lanes, adding and replacing sidewalks, adding curb ramps with
19



1 ramps meeting the Americans with Disabilities Act standards, upgrading the
2 stormwater system, and installing new streetlights, and is expected to go to
3 construction in 2023, and
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5 WHEREAS the final phase, Phase 3 will continue the improvements
6 from Portland Avenue to the eastern City limits in the future, and
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8 WHEREAS 72 out of the total 79 parcel negotiations have been
9 completed successfully, however there are currently seven parcel
10 negotiations in which negotiations have been delayed, stalled, or have
11 otherwise come to an impasse, and
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13 WHEREAS property right acquisitions on the remaining parcels are
14 comprised of temporary construction easements, minor right-of-way fee
15 acquisitions, or a combination thereof, and the outstanding parcel negotiations
16 are critical to allow the project to proceed and to avoid impacts to grant funding
17 timelines and deadlines, and
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19 WHEREAS negotiations will continue with the property owners up until
20 trial or final settlement, and if the property owners settle, they will be removed
21 from the potential condemnation action, and
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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
3 a public purpose and to settle the amount of compensation owing to the
4 property owners; Now, Therefore,
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6 BE IT ORDAINED BY THE CITY OF TACOMA:

7 Section 1. Findings.
8

9 A. The City Council finds that the public use, necessity, and
10 convenience now require the acquisition of fee interests and temporary
11 easements in certain portions of parcels of real property located within and
12 adjacent to the East 64th Street corridor, between McKinley Avenue and
13 Pacific Avenue to the eastern City limits for the construction of pedestrian,
14 signal safety improvements, and road improvements in connection with the
15 East 64th Street Phase 2 Improvement Project ("Project").
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18 B. The property to be taken pursuant to this Ordinance includes fee
19 and temporary easement interests in portions of seven (7) parcels
20 commonly referred to as: (1) 1017 East 64th Street, (2) 1021 East 64th
21 Street, (3) 1021 East 64th Street (vacant lot), (4) 1117 East 64th Street,
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1 (5) 1231 East 64th Street, (6) 1320 East 64th Street, and (7) 1429 East
2 64th Street ("Subject Property"), depicted on the map attached hereto as
3 Exhibit "A."
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5 C. The City of Tacoma, by and through its Public Works Department,
6 has actively worked in good faith to acquire the Subject Property by
7 negotiated sale.
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9 D. Honest differences of opinion exist between the City of Tacoma
10 and the owners of the Subject Property.
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12 E. The City of Tacoma's Public Works Department has a Six-Year
13 Comprehensive Transportation Improvement Program, which indicates that
14 the Subject Property is necessary in the public interest and convenience to
15 be acquired for the Project.
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17 F. Due to the public need for pedestrian safety improvements to
18 accommodate present growth, development, and traffic needs, the public
19 necessity and convenience requires the City to initiate the acquisition of the
20 Subject Property by exercise of the power of eminent domain.
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1 G. The Subject Property to be acquired by negotiated sale or by
2 eminent domain proceedings authorized by this Ordinance are within the city
3 limits of the City of Tacoma, Pierce County, Washington and are necessary
4 for the Project.
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6 Section 2. The Subject Property to be acquired by eminent domain
7 proceedings, shall be acquired only after just compensation has been made
8 or paid into the Pierce County Superior Court registry or special account for
9 the benefit of the owner or owners in a manner provided by law.
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11 Section 3. All just compensation, fees, and costs associated with the
12 acquisition by eminent domain proceedings of the Subject Property, shall be
13 paid from the Transportation Capital Fund, and if this fund were insufficient,
14 from the City's General Fund or other funds then available for such
15 purposes.
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18 Section 4. The City Attorney is hereby authorized to begin and
19 prosecute the actions and proceedings in the manner provided by law to
20 condemn, take, and appropriate all lands and other properties as necessary
21 to carry out the provisions of this Ordinance. The City Attorney is also
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1 authorized to enter into stipulations for the purpose of minimizing damages,
2 including all stipulations authorized by Washington State law.
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4 Passed _____

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Mayor

8 Attest:

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10 _____
City Clerk

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12 Approved as to form:

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14 _____
Deputy City Attorney

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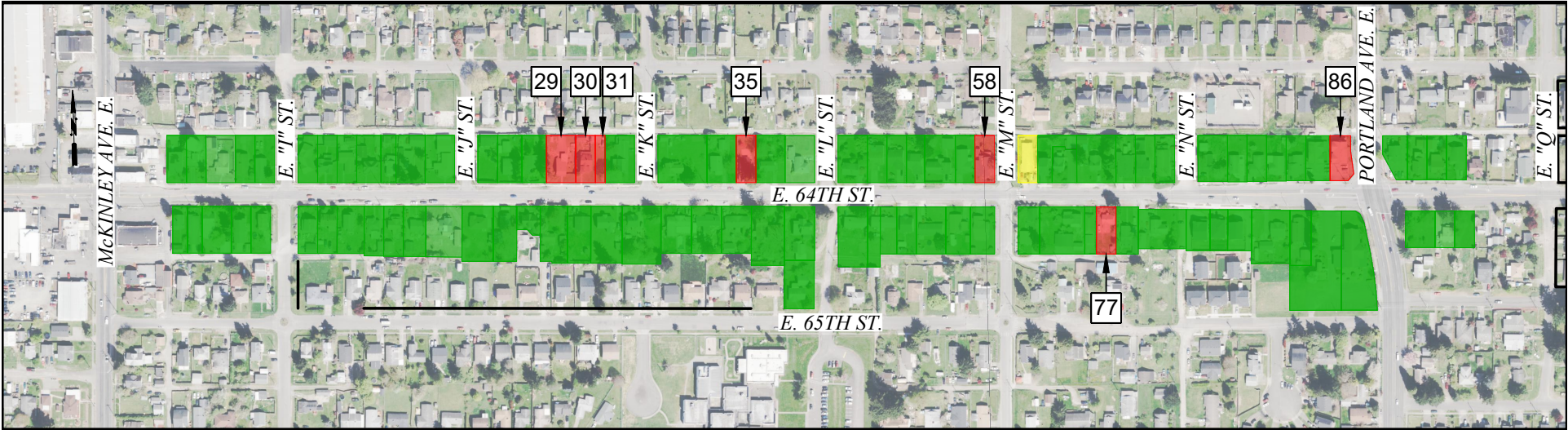
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EXHIBIT A
E 64th St Phase 2
ROW Acquisition Status



LEGEND

-  ACQUIRED
-  PENDING
-  POSSIBLE CONDEMNATION