



## ORDINANCE NO. 29096

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2  
3 AN ORDINANCE relating to transportation and streets and sidewalks;  
4 declaring the public necessity for, and providing for the acquisition by  
5 the City of Tacoma by eminent domain certain property described  
6 herein located along East Portland Avenue between East 64th Street  
7 and East 72nd Street, for right-of-way necessary to construct the  
8 pedestrian signal safety, and road improvements in connection with the  
9 East Portland Avenue Project; and declaring an emergency, making this  
10 ordinance effective upon passage.

11 WHEREAS the City of Tacoma Public works Department has plans to  
12 improve East Portland Avenue from East 64th Street to East 72nd Street,  
13 and the area of improvement is approximately a half mile in length, and

14 WHEREAS the project will include grinding sections of pavement to  
15 make minor repairs and preparing for the placement of a two-inch layer of  
16 asphalt; addition of Americans with Disabilities Act-accessible curb ramp  
17 upgrades, new traffic calming bulb-outs, and installation of a new high  
18 intensity activated crosswalk (HAWK) signal for pedestrian crossing, and  
19



1           WHEREAS eight out of the nine parcel acquisitions have been  
2 completed successfully, however, there is one parcel acquisition in which  
3 negotiations have come to an impasse, and  
4

5           WHEREAS the property right acquisition on the one remaining parcel  
6 is comprised of a small right of way fee acquisition, and  
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8           WHEREAS the outstanding parcel acquisition is necessary to allow  
9 the project to continue, and  
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11           WHEREAS without eminent domain authorization, the project's  
12 federal funding is at risk if the city cannot obligate construction funds by  
13 June 1, 2026, and  
14

15           WHEREAS negotiations will continue with the property owner up until  
16 trial or final settlement, and if the property owner settles, the condemnation  
17 action will cease, and  
18

19           WHEREAS an emergency exists here, which allows for a vote and  
20 passage after one reading, because the federal funds for the project would  
21 be lost if the City cannot complete all nine acquisitions or at least start a  
22 condemnation action by June 1, and in that event, the City of Tacoma would  
23



1 be required to reimburse the federal funds already utilized for the project,  
2 and

3  
4 WHEREAS the City Council is exercising its independent discretion to  
5 proceed with eminent domain to establish the right to take such property for  
6 a public purpose and to settle the amount of compensation owing to the  
7 property owners; Now, Therefore,  
8

9 BE IT ORDAINED BY THE CITY OF TACOMA:

10 Section 1. Findings

11 A. That the City Council finds that the public use, necessity, and  
12 convenience now require the acquisition of fee interests and temporary  
13 easements in certain portions of parcels of real property located along  
14 East Portland Avenue between East 64th Street and East 72nd Street, for  
15 right-of-way necessary to construct the pedestrian signal safety, and road  
16 improvements in connection with the East Portland Avenue Project ("Project").  
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19 B. The property to be taken pursuant to this Ordinance includes fees  
20 and temporary easement interests in portions of one parcel commonly referred  
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22  
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1 to as:1609-1621 East 68th Street (“Subject Property”), depicted on the map  
2 attached hereto as Exhibit “A,” Depiction of Subject Property.

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

7  
8 D. One property owner has not agreed to the acquisition thus far.

9  
10 E. The City of Tacoma’s Public Works Department has a Six-Year  
11 Comprehensive Transportation Improvement Program, which indicates that  
12 the Subject Property is necessary in the public interest and convenience to be  
13 acquired for the Project.

14  
15 F. Due to the public need for pedestrian safety improvements to  
16 accommodate present growth, development, and traffic needs, the public  
17 necessity and convenience requires the City to initiate the acquisition of  
18 Subject Property by exercise of the power of eminent domain.

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



1 limits of the City of Tacoma, Pierce County, Washington and are necessary for  
2 the Project.

3           Section 2. The Subject Property Subject Property to be acquired by  
4 eminent domain proceedings, shall be acquired only after just compensation  
5 has been made or paid into the Pierce County Superior Court registry or  
6 special account for the benefit of the owner or owners in a manner provided by  
7 law.  
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 authorized  
18 to enter into stipulations for the purpose of minimizing damages, including all  
19 stipulations authorized by Washington State law.  
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21  
22  
23



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

6  
7  
8 Passed \_\_\_\_\_

9  
10 \_\_\_\_\_  
11 Mayor

12  
13 \_\_\_\_\_  
14 City Clerk

15 Approved as to form:  
16  
17 \_\_\_\_\_  
18 Deputy City Attorney

# EXHIBIT "A"



City of Tacoma

