

ORDINANCE NO. 2014-940

AN ORDINANCE OF THE CITY OF DEER PARK, WASHINGTON, PROVIDING FOR THE ACQUISITION, CONDEMNATION, APPROPRIATION, AND TAKING OF FEE TITLE TO A CERTAIN PORTION OF PARCEL NO. 29354.9064 FOR THE PURPOSE OF A SEWER LAGOON EXPANSION PROJECT; PROVIDING THAT THE ENTIRE COST THEREOF SHALL BE PAID FROM AVAILABLE FUNDS; DIRECTING THE CITY ATTORNEYS TO PROSECUTE THE APPROPRIATE LEGAL PROCEEDINGS REQUIRED FOR SAID CONDEMNATION; CONTAINING A SEVERABILITY PROVISION; AND SETTING AN EFFECTIVE DATE.

WHEREAS, the City of Deer Park ("City") is planning construction of public improvements adjacent to three existing sewer lagoons serving the City to facilitate expansion of said lagoons; and

WHEREAS, to facilitate completion of the above described sewer lagoon expansion project, it is necessary for the City to acquire ownership of an approximately 12.2 acre portion of Parcel No. 29354.9064; and

WHEREAS, the City has attempted to negotiate a voluntary purchase agreement to acquire the necessary property and property rights, but has been unable to reach agreement with the owners of Parcel No. 29354.9064; and

WHEREAS, the owners of Parcel No. 29354.9064 were notified of the City Council's intent to consider this condemnation ordinance by certified mail and by publication as required by RCW 8.12.005 and RCW 8.25.290; and

WHEREAS, the City Council considered and deliberated the proposed condemnation during an open public meeting conducted on January 22, 2014, and determined that condemnation of a portion of Parcel No. 29354.9064 is reasonably necessary to facilitate completion of the sewer lagoon expansion project; and

WHEREAS, the City Council has determined that passage of this Ordinance, authorizing condemnation of a portion of Parcel No. 29354.9064, is in the best interest of the health, safety, and welfare of the citizens of the City of Deer Park, Washington; now, therefore,

THE CITY COUNCIL OF THE CITY OF DEER PARK, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. **Need for Property - Public Use.** The public health, safety, and welfare demand that the City of Deer Park ("City") construct public improvements to the City sewer lagoon. The improvements to be constructed or installed include, but are not limited to, cover liners and riprap for lagoons 1 and 2, and a small lagoon. The public health, safety, and welfare further demand that the City acquire certain property necessary to construct said public improvements. The City is authorized to condemn property for the purposes stated in this Section by RCW 8.12.030.

Section 2. **Declaration of Necessity.** The City Council of the City of Deer Park, after hearing the report of the City's Director of Community Services and reviewing the planned improvements, hereby finds and declares that a fee simple interest in that portion of Parcel No. 29354.9064 legally described in **Exhibit A**, attached hereto and incorporated herein, and depicted in **Exhibit B**, attached hereto and incorporated herein, is necessary for the public use and purpose of constructing the sewer lagoon improvements described in Section 1 above.

Section 3. **Condemnation.** The fee interest in the property described in Section 2 above and in Exhibits A and B attached hereto is hereby condemned, appropriated, taken, and damaged for the purpose of constructing the public improvements for expansion of the City sewer lagoons, as described in Section 1 above, together with all necessary appurtenances and related work to make a complete improvement in accordance with City standards.

Condemnation of the property is subject to the making or paying of just compensation to the owners and possessors thereof in the manner provided by law.

Section 4. **Authority of Attorneys.** The office of the City Attorney is hereby authorized and directed to begin and prosecute the proceedings provided by law to condemn, take, and appropriate the interests necessary to carry out the provisions of this ordinance.

Section 5. **Source of Funds.** The entire cost of the property acquisition authorized by this ordinance, including all costs and expenses of condemnation proceedings, shall be paid from available sewer utility funds as may be appropriate under the circumstances.

Section 6. **Severability.** If any section, sentence, clause, or phrase of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Ordinance.

Section 7. **Effective Date.** This Ordinance shall take effect and be in full force five (5) days after this Ordinance or a summary thereof consisting of the title is published.

APPROVED:

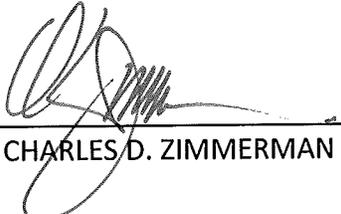

MAYOR ROBERT WHISMAN

ATTEST/AUTHENTICATED:


DEBY CRAGUN, CITY CLERK/TREASURER

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY

BY  _____
CHARLES D. ZIMMERMAN

FILED WITH THE CITY CLERK:	<u>January 17, 2014</u>
PASSED BY THE CITY COUNCIL:	<u>February 5, 2014</u>
PUBLISHED:	<u>February 11, 2014</u>
EFFECTIVE DATE:	<u>February 18, 2014</u>
ORDINANCE NO.:	<u>2014-940</u>

SUMMARY OF ORDINANCE NO. 2014 - 940

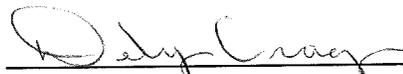
of the City of Deer Park, Washington

On the 5TH day of February, 2014, the City Council of the City of Deer Park, Washington, passed Ordinance No. 2014-940. A summary of the content of said ordinance, consisting of the title, provides as follows:

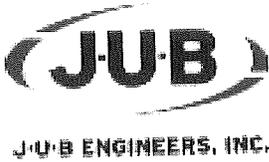
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The full text of this Ordinance will be mailed upon request.

DATED this 6TH day of February, 2014.



CITY CLERK-TREASURER, DEBY CRAGUN



J-U-B COMPANIES



THE
LINDO
GROUP



GATEWAY
MAPPING
INC.

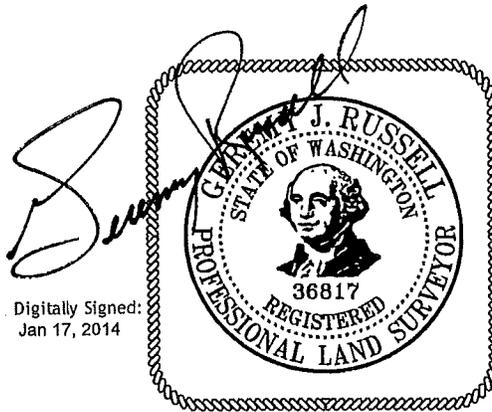
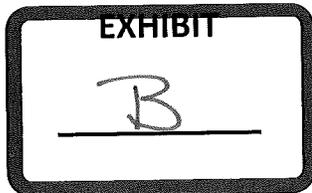
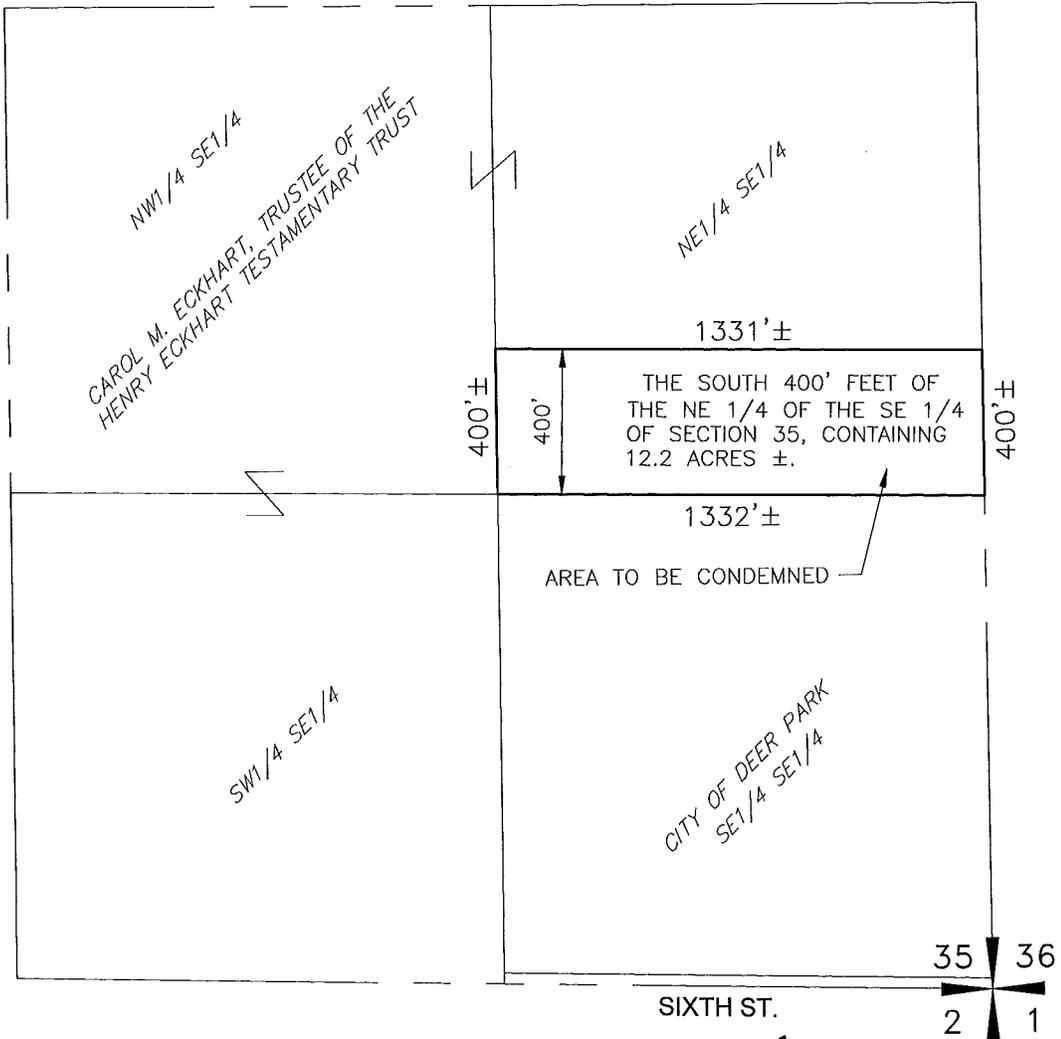
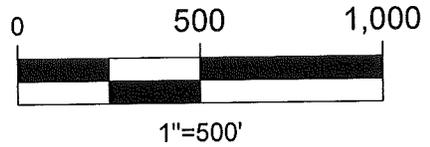
EXHIBIT A
LEGAL DESCRIPTION
of
ECKHART CONDEMNATION AREA
for
CITY OF DEER PARK

The South 400' feet of the NE 1/4 of the SE 1/4 of Section 35, Township 29 North, Range 42 East, Willamette Meridian, in Spokane County, Washington.

Containing 12.2 acres, more or less.



Digitally Signed:
Jan 16, 2014



J-U-B ENGINEERS, INC.

**CITY OF DEER PARK
ECKHART CONDEMNATION EXHIBIT**
A PORTION OF THE SE 1/4 SEC. 35, T 29N, R42E, W.M.,
SPOKANE COUNTY, WA