ORDINANCE NO. 2015-954

AN ORDINANCE OF THE CITY OF DEER PARK, WASHINGTON, PROVIDING FOR THE ACQUISITION, CONDEMNATION, APPROPRIATION, AND TAKING OF FEE TITLE TO CERTAIN PORTIONS OF PARCEL NOS. 28023.0601, 28023.0504, 28022.3301, AND 28022.3207 FOR THE PURPOSE OF CONSTRUCTING A ROUNDABOUT AT THE COLVILLE/CRAWFORD INTERSECTION; 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 CONDEMNATIONS; CONTAINING A SEVERABILITY PROVISION; AND SETTING AN EFFECTIVE DATE.

WHEREAS, the City of Deer Park ("City") is planning construction of public improvements at the intersection of East Crawford Avenue and Colville Road, including the installation of a roundabout, for the management of vehicular traffic using said City streets; and

WHEREAS, to facilitate completion of the above described street project, it is necessary for the City to acquire ownership of approximately 2,151 square feet of Parcel No. 28023.0601 (506 E. Crawford Avenue), approximately 538 square feet of Parcel No. 28023.0504 (426 E. Crawford Avenue), approximately 293 square feet of Parcel No. 28022.3301 (431 E. Crawford Avenue), and approximately 1,169 square feet of Parcel No. 28022.3207 (507 E. Crawford Avenue); 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 the Parcels; and

WHEREAS, the owners of the Parcels 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 August 19, 2015, and determined that condemnation of the

aforementioned portions of the Parcels is reasonably necessary to facilitate completion of the roundabout construction project; and

WHEREAS, the City Council has determined that passage of this Ordinance, authorizing condemnation of the aforementioned portions of the identified Parcels 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 at the intersection of East Crawford Avenue and Colville Road. The improvements to be constructed or installed include, but are not limited to, a vehicular traffic roundabout. 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 fee simple interests in:

(1) that portion of Parcel No. 28023.0601 legally described in **Exhibit A**, attached hereto and incorporated herein, and depicted in **Exhibit B**, attached hereto and incorporated herein;

(2) that proportion of Parcel No. 28023.0504 legally described in **Exhibit C,** attached here to and incorporated herein, and depicted in **Exhibit D**, attached hereto and incorporated herein;

(3) that proportion of Parcel No. 28022.3301 legally described in **Exhibit E,** attached here to and incorporated herein, and depicted in **Exhibit F**, attached hereto and incorporated herein; and

(4) that proportion of Parcel No. 28022.3207 legally described in **Exhibit G**, attached here to and incorporated herein, and depicted in **Exhibit H**, attached hereto and incorporated herein,

are necessary for the public use and purpose of constructing the roundabout described in Section 1 above.

Section 3. **Condemnation.** The fee interests in the properties described in Section 2 above and in Exhibits A through H attached hereto are hereby condemned, appropriated, taken, and damaged for the purpose of constructing the roundabout at the intersection of East Crawford Avenue and Colville Road, 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 properties 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 general 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:	07-01-2015
PASSED BY THE CITY COUNCIL:	08-19-2015
PUBLISHED:	08-21-2015
EFFECTIVE DATE:	08-27-2015
ORDINANCE NO.:	2015-954

SUMMARY OF ORDINANCE NO. 2015-954

of the City of Deer Park, Washington

On the _____ day of _____, 2015, the City Council of the City of Deer Park, Washington, passed Ordinance No. 2015-954. A summary of the content of said ordinance, consisting of the title, provides as follows:

> **AN ORDINANCE OF THE CITY OF DEER PARK, WASHINGTON, PROVIDING FOR THE ACQUISITION, CONDEMNATION, APPROPRIATION, AND TAKING OF FEE TITLE TO CERTAIN PORTIONS OF PARCEL NOS. 28023.0601, 28023.0504, 28022.3301, AND 28022.3207 FOR THE PURPOSE OF CONSTRUCTING A ROUNDABOUT AT THE COLVILLE/CRAWFORD INTERSECTION; 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 CONDEMNATIONS; CONTAINING A SEVERABILITY PROVISION; AND SETTING AN EFFECTIVE DATE.**

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

DATED this _____ day of _____, 2015.

_____

CITY CLERK-TREASURER, DEBY CRAGUN

EXHIBIT A
LEGAL DESCRIPTION

RIGHT-OF-WAY
TO THE
CITY OF DEER PARK, WASHINGTON
FROM
SHANE O. AND KELLI JEAN SANCHEZ
Parcel No. 28023.0601
July 10, 2015

That portion of a certain property described in Special Warranty Deed dated March 24, 1999, recorded as Auditors File No. 4346221, records of Spokane County Washington, being situated in the NE 1/4 of the SW 1/4 of Section 2, Township 28 North, Range 42 East, Willamette Meridian, Spokane County, Washington, described as follows:

Commencing at the northwest corner of the NE 1/4 of the NE 1/4 of the SW 1/4 of said Section (from which the Center 1/4 corner of said Section bears North 86°53'49" East, a distance of 720.80 feet); thence along the north line of the SW 1/4 of said Section 2, North 86°53'49" East a distance of 154.64 feet; thence leaving said north line South 03°06'11" East, a distance of 30.00 feet, more or less, to a point on the north line of said property described in said Special Warranty Deed, said point being the POINT OF BEGINNING;

thence 2.39 feet along the arc of a non-tangent curve to the left having a radius of 392.50 feet, through a central angle of 00°20'54", said curve having a long chord which bears South 80°42'38" West, a chord distance of 2.39 feet;

thence South 80°32'11" West, a distance of 33.25 feet;

thence 50.01 feet along the arc of a curve to the left having a radius of 192.50 feet, through a central angle of 14°53'04", said curve having a long chord which bears South 73°05'39" West, a chord distance of 49.87 feet ;

thence 26.39 feet along the arc of a Compound curve to the left having a radius of 42.50 feet, through a central angle of 35°34'31", said curve having a long chord which bears South 47°51'52" West, a chord distance of 25.97 feet ;

thence 72.46 feet along the arc of a Compound curve to the left having a radius of 142.50 feet, through a central angle of 29°08'02", said curve having a long chord which bears South 15°30'35" West, a chord distance of 71.68 feet, more or less, to a point on the west line of said Deed;

thence along said west line, North 02°06'33" West, a distance of 100.14 feet, more or less, to a point on the north line of said Deed;

thence along said north line, North 86°53'49" East, a distance of 125.16 feet to the POINT OF BEGINNING.

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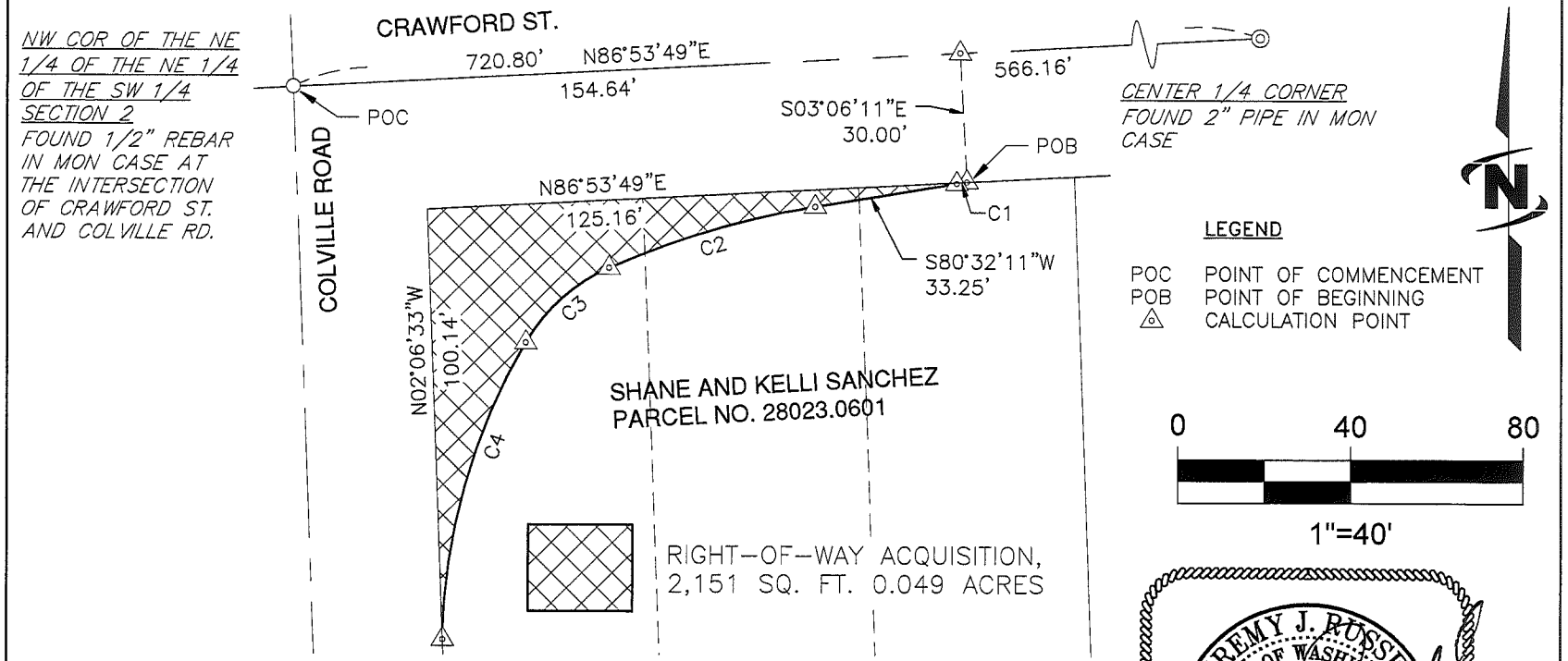
Containing 2,151 square feet (0.049 acres), more or less.

SUBJECT TO: Existing right-of-ways and easements of record and/or appearing on said above described parcel.

Digitally Signed:
Jul 21, 2015

04/16 (JUB-A-FIG)



CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	2.39'	392.50'	0°20'54"	S80°42'38"W	2.39'
C2	50.01'	192.50'	14°53'04"	S73°05'39"W	49.87'
C3	26.39'	42.50'	35°34'31"	S47°51'52"W	25.97'
C4	72.46'	142.50'	29°08'02"	S15°30'35"W	71.68'

JEREMY J. RUSSELL
STATE OF WASHINGTON
36817
REGISTERED
PROFESSIONAL LAND SURVEYOR

Digitally Signed:
Jul 21, 2015

J-U-B ENGINEERS, INC.

CAD FILE: 7014005-3.0601

EXHIBIT B
CRAWFORD COLVILLE INTERSECTION

PROPOSED RIGHT-OF-WAY ACQUISITION
SW 1/4 SECTION 2 T28N, R42E, W.M. SPOKANE CO. WA.

EXHIBIT C
LEGAL DESCRIPTION

RIGHT-OF-WAY
TO THE
CITY OF DEER PARK, WASHINGTON
FROM
BRIAN L. GIBSON AND CATHERINE M. GIBSON
Parcel No. 28023.0504
July 10, 2015

That portion of a certain property described in Quit Claim Deed dated July 17, 2013, recorded as Auditors File No. 6229179, records of Spokane County Washington, being situated in the NE 1/4 of the SW 1/4 of Section 2, Township 28 North, Range 42 East, Willamette Meridian, Spokane County, Washington, described as follows:

Commencing at the northeast corner of the NW 1/4 of the NE 1/4 of the SW 1/4 of said Section (from which the West 1/4 corner of said Section bears South 86°53'49" West, a distance of 1956.89 feet); thence along the north line of the SW 1/4 of said Section 2, South 86°53'49" West a distance of 74.44 feet; thence leaving said south line South 03°06'11" East, a distance of 30.00 feet, more or less, to a point on the north line of said property described in said Quit Claim Deed, said point being the POINT OF BEGINNING;

thence leaving said north line, 6.21 feet along the arc of a non-tangent curve to the right having a radius of 167.50 feet, through a central angle of 02°07'25", said curve having a long chord which bears South 80°27'20" East, a chord distance of 6.21 feet;

thence 17.00 feet along the arc of a Compound curve to the right having a radius of 42.50 feet, through a central angle of 22°55'28", said curve having a long chord which bears South 67°55'53" East, a chord distance of 16.89 feet ;

thence 39.69 feet along the arc of a Compound curve to the right having a radius of 59.17 feet, through a central angle of 38°25'50", said curve having a long chord which bears South 37°15'14" East, a chord distance of 38.95 feet, more or less to a point on the east line of said Deed;

thence along said east line, North 02°06'33" West, a distance of 40.78 feet, more or less to a point on the north line of said Deed;

thence along said north line , South 86°53'49" West, a distance of 43.92 feet to the POINT OF BEGINNING.

Containing 538 square feet (0.012 acres), more or less.

SUBJECT TO: Existing right-of-ways and easements of record and/or appearing on said above described parcel.

Digitally Signed:
Jul 21, 2015

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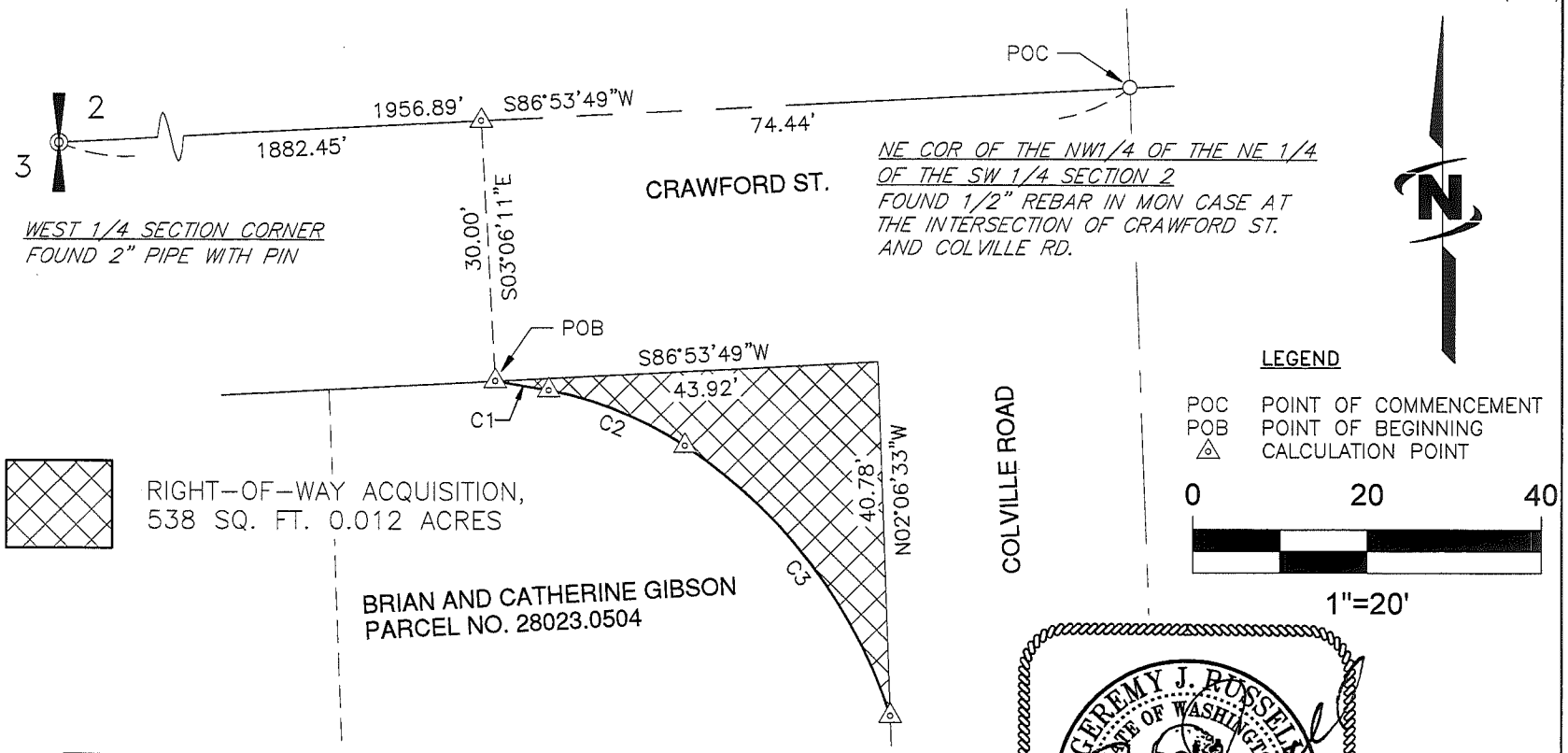
04/16 (JUB-A-FIG)



CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	6.21'	167.50'	2°07'25"	S80°27'20"E	6.21'
C2	17.00'	42.50'	22°55'28"	S67°55'53"E	16.89'
C3	39.69'	59.17'	38°25'50"	S37°15'14"E	38.95'

Digitally Signed:
Jul 21, 2015

J-U-B ENGINEERS, INC.

CAD FILE: 7014005-3.0504

EXHIBIT D
CRAWFORD COLVILLE INTERSECTION

PROPOSED RIGHT-OF-WAY ACQUISITION
SW 1/4 SECTION 2 T28N, R42E, W.M. SPOKANE CO. WA.

EXHIBIT E
LEGAL DESCRIPTION

RIGHT-OF-WAY
TO THE
CITY OF DEER PARK, WASHINGTON
FROM
KATHREEN AND GARY KINCAID
Parcel No. 28022.3301
July 10, 2015

That portion of a certain property described in Statutory Warranty Deed dated October 22, 2003, recorded as Auditors File No. 4986674, records of Spokane County Washington, being situated in the SE 1/4 of the NW 1/4 of Section 2, Township 28 North, Range 42 East, Willamette Meridian, Spokane County, Washington, described as follows:

Commencing at the southeast corner of the SW 1/4 of the SE 1/4 of the NW 1/4 of said Section (from which the West 1/4 corner of said Section bears South 86°53'49" West, a distance of 1956.89 feet); thence along the south line of the NW 1/4 of said Section 2 South 86°53'49" West a distance of 63.50 feet; thence leaving said south line North 03°06'11" West, a distance of 30.00 feet to a point on the south line of said property described in said Statutory Warranty Deed, said point being the POINT OF BEGINNING;

thence leaving said south line, 41.77 feet along the arc of a non-tangent curve to the left having a radius of 62.50 feet, through a central angle of 38°17'42", said curve having a long chord which bears North 52°49'07" East, a chord distance of 41.00 feet, more or less, to a point on the east line of said Deed;

thence along said east line, South 02°36'00" East, a distance of 22.97 feet, more or less to a point on the south line of said Deed;

thence along said south line South 86°53'49" West, a distance of 33.76 feet to the POINT OF BEGINNING.

Containing 293 square feet (0.007 acres), more or less.

SUBJECT TO: Existing right-of-ways and easements of record and/or appearing on said above described parcel.

Digitally Signed:
Jul 21, 2015

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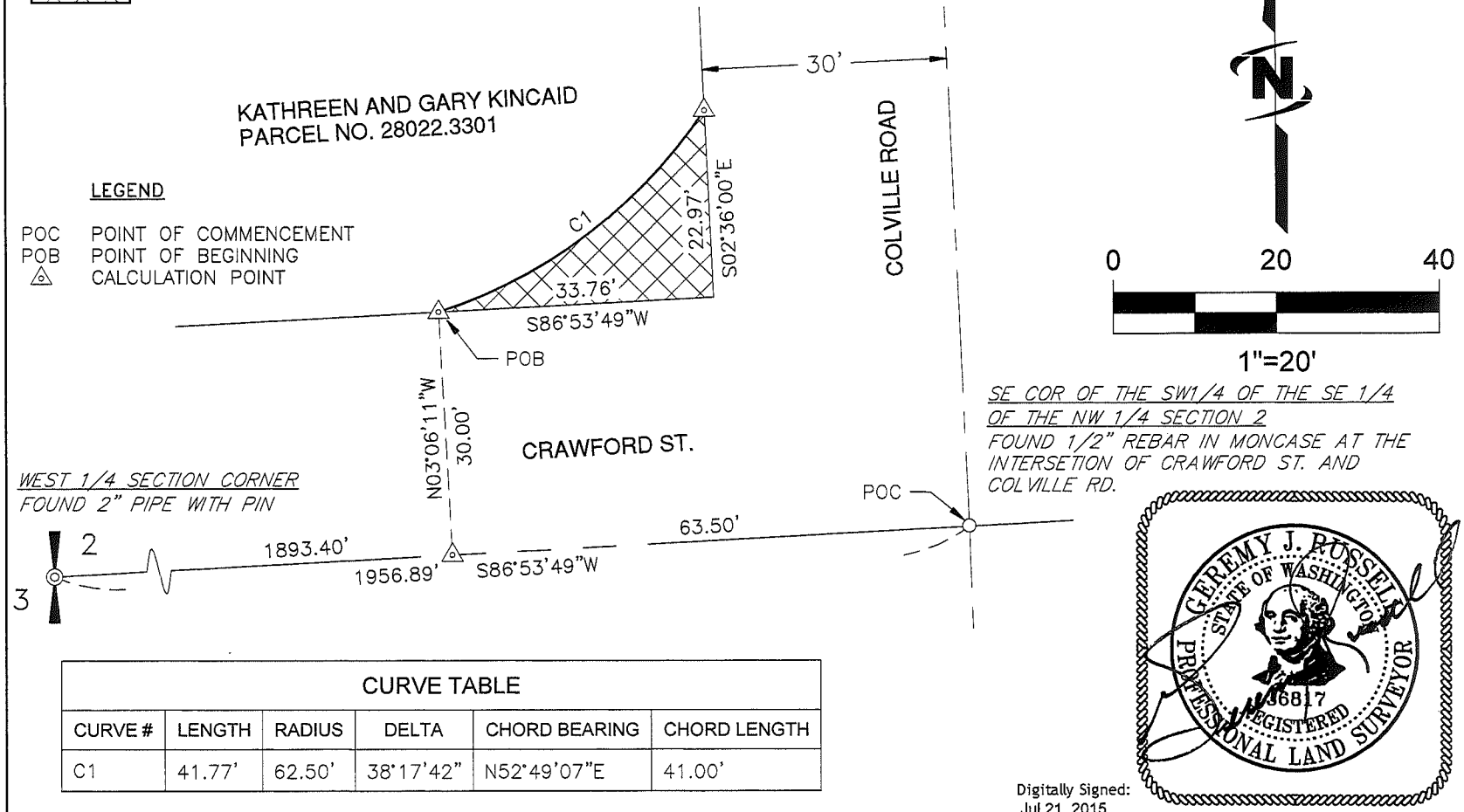
a 7825 Meadowlark Way, Coeur d'Alene, ID 83815 p 208 762 8787 f 208 762 9797 w www.jub.com

04/16 (JUB-A-FIG)

RIGHT–OF–WAY ACQUISITION, 293 SQ. FT.
0.0067 ACRES



CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	41.77'	62.50'	38°17'42"	N52°49'07"E	41.00'

Digitally Signed:
Jul 21, 2015

JUB
J-U-B ENGINEERS, INC.

CAD FILE: 7014005-2.3901

EXHIBIT F
CRAWFORD COLVILLE INTERSECTION

PROPOSED RIGHT-OF-WAY ACQUISITION
NW 1/4 SECTION 2 T28N, R42E, W.M. SPOKANE CO. WA.

EXHIBIT G
LEGAL DESCRIPTION

RIGHT-OF-WAY
TO THE
CITY OF DEER PARK, WASHINGTON
FROM
RICHARD R. AND JILL A. HOLMES
Parcel No. 28022.3207
July 10,2015

That portion of a certain property described in Real Estate Contract dated October 2, 1985, recorded as Auditors File No. 314532, records of Spokane County Washington, being situated in the SE 1/4 of the NW 1/4 of Section 2, Township 28 North, Range 42 East, Willamette Meridian, Spokane County, Washington, described as follows:

Commencing at the southwest corner of the SE 1/4 of the SE 1/4 of the NW 1/4 of said Section (from which the Center 1/4 corner of said Section bears North 86°53'49" East, a distance of 720.80 feet); thence along the south line of the NW 1/4 of said Section 2, North 86°53'49" East a distance of 82.15 feet; thence leaving said south line North 03°06'11" West, a distance of 30.00 feet to a point on the south line of said property described in said Real Estate Contract, said point being the POINT OF BEGINNING;

thence leaving said south line 66.64 feet along the arc of a non-tangent curve to the right having a radius of 92.50 feet, through a central angle of 41°16'45", said curve having a long chord which bears North 46°45'09" West, a chord distance of 65.21 feet;

thence 18.20 feet along the arc of a Compound curve to the right having a radius of 192.50 feet, through a central angle of 05°25'02", said curve having a long chord which bears North 23°24'16" West, a chord distance of 18.19 feet, more or less, to a point on the west line of said Real Estate Contract;

thence along said west line, South 02°36'00" East, a distance of 64.25 feet, more or less, to a point on the south line of said Real Estate Contract;

thence along said south line, North 86°53'49" East, a distance of 51.89 feet to the POINT OF BEGINNING.

Containing 1,169 square feet (0.027 acres), more or less.

SUBJECT TO: Existing right-of-ways and easements of record and/or appearing on said above described parcel.

Digitally Signed:
Jul 21, 2015

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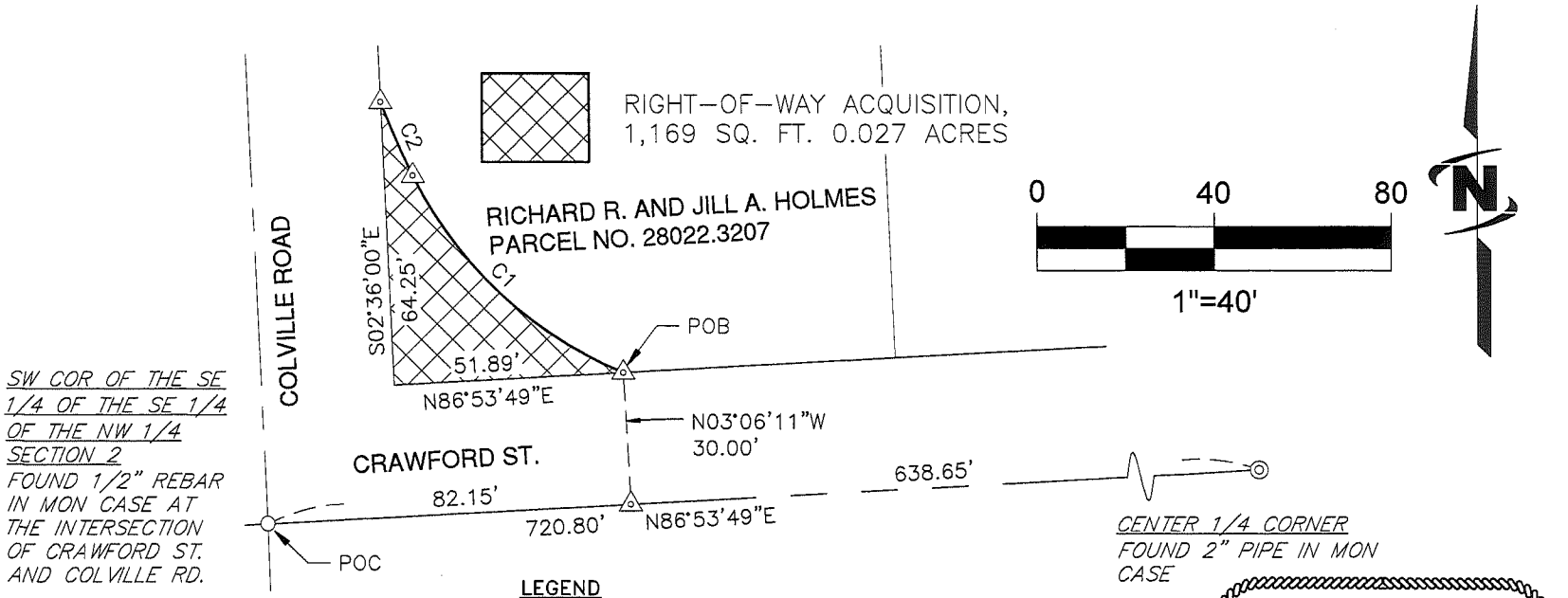
a 7825 Meadowlark Way, Coeur d'Alene, ID 83815 *p* 208 762 8787 *f* 208 762 9797 *w* www.jub.com

04/18 (JUB-A-FIG)



LEGEND

POC POINT OF COMMENCEMENT
POB POINT OF BEGINNING
△ CALCULATION POINT

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	66.64'	92.50'	41°16'45"	N46°45'09"W	65.21'
C2	18.20'	192.50'	5°25'02"	N23°24'16"W	18.19'

Digitally Signed:
Jul 21, 2015

J-U-B ENGINEERS, INC.

CAD FILE: 7014005-2.3207

EXHIBIT H
CRAWFORD COLVILLE INTERSECTION

PROPOSED RIGHT-OF-WAY ACQUISITION
NW 1/4 SECTION 2 T28N, R42E, W.M. SPOKANE CO. WA.