

CITY OF BLACK DIAMOND, WASHINGTON

ORDINANCE NO. 05-781

AN ORDINANCE OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON, AUTHORIZING THE CONDEMNATION AND ACQUISITION OF REAL PROPERTY FOR PUBLIC RIGHT OF WAY PURPOSES; PROVIDING FOR PAYMENT OF THE COST AND EXPENSE OF ACQUIRING THE PROPERTY; AND DIRECTING THE INITIATION OF APPROPRIATE CONDEMNATION PROCEEDINGS IN THE MANNER PROVIDED BY LAW

WHEREAS, the City is authorized to commence a construction project for sidewalk and other right-of way improvements within the City, including the intersection of Baker Street and Railroad Avenue (the Project); and

WHEREAS, in order to construct the Project, it is necessary for the City to acquire the property described in Exhibit "A", subject to the payment of just compensation to the owner in the manner provided by law; now therefore,

THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. The property described in Exhibit "A" is necessary for public right-of-way improvements, including sidewalk, street, curb, gutter, and utilities, and is hereby condemned, appropriated, taken, and damaged for public purposes, subject to the paying of just compensation to the owner in the manner provided by law.

Section 2. The cost and expense of the Project shall be paid by State Transportation Improvement Board grants, a Community Development Block grant, and from other monies the City may have available or obtain. No part shall be paid by special assessment.

Section 3. The City Attorney is hereby authorized and directed to commence proceedings provided by law to condemn the property necessary to carry out the provisions of this ordinance.

Section 4. This ordinance shall become effective five days after its passage, approval and publication in summary form as required by law.

Section 5. Each and every provision of this Ordinance shall be deemed severable. If any provision of this Ordinance should be deemed to be unconstitutional or otherwise contrary to the law by a Court of competent jurisdiction, it shall not affect the validity of the remaining sections so long as the intent of the Ordinance can be fulfilled without the illegal section.

Introduced the 21th day of April, 2005.

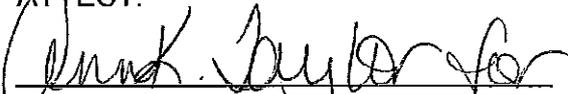
Passed by the City Council at a meeting held on the 21st day of April, 2005.

Approved by the Mayor on the 21st day of April, 2005.



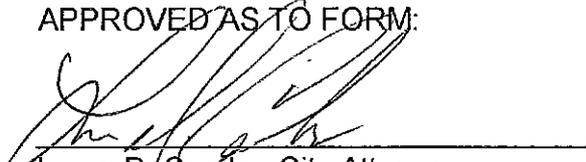
Howard Botts, Mayor
Geoff Bowie, ~~Mayor Pro-Tem~~

ATTEST:



Cris Kandior, City Clerk

APPROVED AS TO FORM:



Loren D. Combs, City Attorney
Published: 4/26/05
Posted: 4/22/05
Effective Date: 4/26/05

April 11, 2005
File #28536/98

**ADDITIONAL RIGHT-OF-WAY
LEGAL DESCRIPTION**

A PARCEL OF LAND LYING WITHIN SECTION 14, TOWNSHIP 21 NORTH, RANGE 6 EAST, OF THE WILLAMETTE MERIDIAN, CITY OF BLACK DIAMOND, WASHINGTON, AND MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MONUMENT MARKING THE CENTERLINE INTERSECTION OF FIRST AVENUE AND BAKER STREET;
THENCE SOUTH 59°44'16" WEST ALONG THE MONUMENTED CENTERLINE OF BAKER STREET, A DISTANCE OF 125.38 FEET;
THENCE NORTH 30°15'44" EAST 30.00 FEET TO THE NORTH MARGIN OF SAID BAKER STREET AND THE POINT OF BEGINNING;
THENCE ALONG SAID MARGIN SOUTH 59°44'16" WEST 93.78 FEET TO THE EASTERLY MARGIN OF RAILROAD AVENUE;
THENCE NORTH 29°49'44" WEST, ALONG SAID MARGIN, 21.83 FEET;
THENCE SOUTH 88°23'11" EAST 31.13 FEET;
THENCE SOUTH 64°19'15" WEST 67.40 FEET TO THE POINT OF BEGINNING.

MFG/jlg

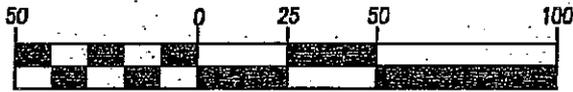
1/28536/docs-rpls/legal/stamped_mfg041105



Apex Engineering P.L.L.C.

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 (253) 473-4494 FAX: (253) 473-0599

GRAPHIC SCALE



(IN FEET)
 1 inch = 50 ft.
 APEX JOB NO. 28536

