

ORDINANCE NO. 2690

AN ORDINANCE condemning for public street purposes certain land lying within the City of Camas for the purpose of extending and constructing NW 38th Avenue.

THE COUNCIL OF THE CITY OF CAMAS DO ORDAIN AS FOLLOWS:

Section I

The City Council of the City of Camas hereby makes the following findings:

- A. The City desires to undertake a street improvement project of NW 38th Avenue and SE 20th Street from SE Armstrong Street to NW Parker Street (“the street improvement project”).
- B. NW 38th Avenue is classified as regional arterial streets whose function is to serve as a primary route to and from the commercially and industrially zoned properties in Grass Valley.
- C. Arterial streets should have a capacity of 15,000.00 to 20,000.00 cars per day.
- D. NW 38th Avenue is currently an unimproved rural arterial consisting of two lanes and no improved shoulders or other related facilities.
- E. The street improvement project proposes to widen NW 38th Avenue and SE 20th Street to three lanes between SE Armstrong Street and NW Parker Street.
- F. The street improvement project further includes construction of curbs, gutters, bike lanes, sidewalks, street lighting, and storm water treatment facilities.
- G. The street improvement project is consistent with the City of Camas 20-Year Growth Management Plans.
- H. The properties described in Exhibit “A” and depicted in Exhibit “B” attached hereto and by this reference incorporated herein about the street improvement project (“the subject real properties”).
- I. The City has been unsuccessful in its attempts to acquire the subject real properties by negotiation.
- J. The street improvement project constitutes a public use under the provisions of RCW 8.12.030.
- K. The subject real properties are necessary for completion of the street improvement project.

L. Pursuant to RCW 8.25.290, the City published and mailed notice to the property owners of the subject real properties this ordinance authorizes to be condemned, advising such owners that a final decision condemning the required properties would be made at the December 2, 2013, Camas City Council meeting.

M. Any and all interested parties had the opportunity to address the Camas City Council on this subject at the December 2, 2013, meeting.

Section II

The City is authorized to condemn property and property interests for public improvements under RCW 8.12.030.

Section III

The City of Camas hereby condemns for public street purposes the properties described in Exhibit "A," attached hereto and by this reference incorporated herein. Condemnation of the properties is subject to the making or paying of just compensation to the owners in the manner provided by law.

Section IV

Compensation for the subject real properties shall be paid from the NW 38th Avenue Construction Fund of the City, and not by special assessment upon properties benefitted by such acquisition.

Section V

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, and is further authorized in conducting said condemnation proceedings, and for the purpose of minimizing damages, to stipulate as to the use of the properties hereby authorized to be condemned and appropriated, and as to the reservation of any right of use of the owner or any person entitled to possession of the properties, provided that such reservation does not interfere with the use of said properties as provided in this ordinance.

Section VI

This ordinance shall take force and be in effect five days from and after its publication according to law.

PASSED by the Council and APPROVED by the Mayor this 2nd day of December, 2013.

SIGNED: _____

Mayor

ATTEST: _____

Clerk

APPROVED as to form:

City Attorney

PROPERTY ID NUMBER	PROPERTY OWNER	PROPERTY OWNER TAX PAYER'S OR CONTACT ADDRESS	PROPERTY ADDRESS (PER CLARK COUNTY ASSESSMENT RECORDS)	PROPERTY RIGHTS
177481000	John and Elaine Armstrong	John and Elaine Armstrong 1919 SE Armstrong Drive Camas, WA 98607	1919 SE Armstrong Drive, Camas, WA 98607	See attached legal description

EXHIBIT "A"

PAGE 2 OF 4

Tract 1 – Right-of-way Acquisition

A tract of land in the southeast one-quarter of Section 32, Township 2 North, Range 3 East, Willamette Meridian, and lying in Lot 1 of the Short Plat recorded in Book 2, Page 339, Records of Clark County, Washington, being a portion of that property described in that Quit Claim Deed to John W. and Elaine P. Armstrong, recorded in Auditor's File Number 8906300091, Clark County Records; the said tract being that portion of said property included in a strip of land 37.00 feet in width lying between lines at right angles to the centerline at Engineer's Stations 36+50.00 and 38+50.00 on the northerly side of the NW 38th Avenue Engineer's Centerline, said Engineer's Centerline being described as follows:

Beginning at Engineer's Centerline Station 0+00.00, said station being the corner common to Sections 31 and 32, Township 2 North, Range 3 East, and Sections 5 and 6, Township 1 North, Range 3 East, Willamette Meridian; thence South 88°42'55" East, a distance of 5,279.79 feet to Engineer's Centerline Station 52+79.79, said station being the corner common to Sections 32 and 33, Township 2 North, Range 3 East, and Sections 4 and 5, Township 1 North, Range 3 East, Willamette Meridian; thence South 88°59'59" East, a distance of 5,283.12 feet to Engineer's Centerline Station 105+62.91, said station being the corner common to Sections 33 and 34, Township 2 North, Range 3 East, and Sections 3 and 4, Township 1 North, Range 3 East, Willamette Meridian.

SAVE AND EXCEPT that portion lying within public roads.

The tract of land to which this description applies contains 1,006 square feet, more or less, outside of the existing right of way.

Tract 2 – Permanent Easement

A tract of land in the southeast one-quarter of Section 32, Township 2 North, Range 3 East, Willamette Meridian, and lying in Lot 1 of the Short Plat recorded in Book 2, Page 339, Records of Clark County, Washington, being a portion of that property described in that Quit Claim Deed to John W. and Elaine P. Armstrong, recorded in Auditor's File Number 8906300091, Clark County Records; the said tract being that portion of said property included in a strip of land 42.00 feet in width lying between lines at right angles to the centerline at Engineer's Stations 36+50.00 and 38+50.00 on the northerly side of the NW 38th Avenue Engineer's Centerline, said Engineer's Centerline being described in Tract 1 above.

SAVE AND EXCEPT that portion lying within public roads and Tract 1 as described above.

The tract of land to which this description applies contains 749 square feet, more or less.

Tract 3 – Temporary Construction Easement

A tract of land in the southeast one-quarter of Section 32, Township 2 North, Range 3 East, Willamette Meridian, and lying in Lot 1 of the Short Plat recorded in Book 2, Page 339, Records of Clark County, Washington, being a portion of that property described in that Quit Claim Deed to John W. and Elaine P. Armstrong, recorded in Auditor's File Number 8906300091, Clark County Records; the said tract being that portion of said property included in a strip of land 47.00 feet in width lying between lines at right angles to the centerline at Engineer's Stations 36+50.00 and 38+50.00 on the northerly side of the NW 38th Avenue Engineer's Centerline, said Engineer's Centerline being described in Tract 1 above.

SAVE AND EXCEPT that portion lying within public roads and Tract 1 and Tract 2 as described above.

The tract of land to which this description applies contains 774 square feet, more or less.

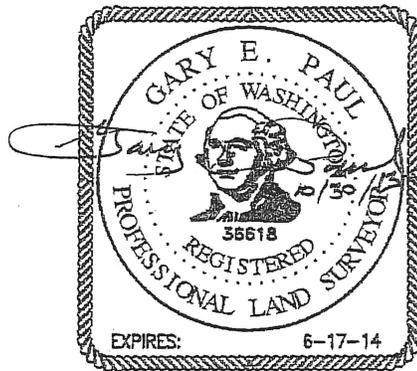
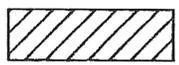
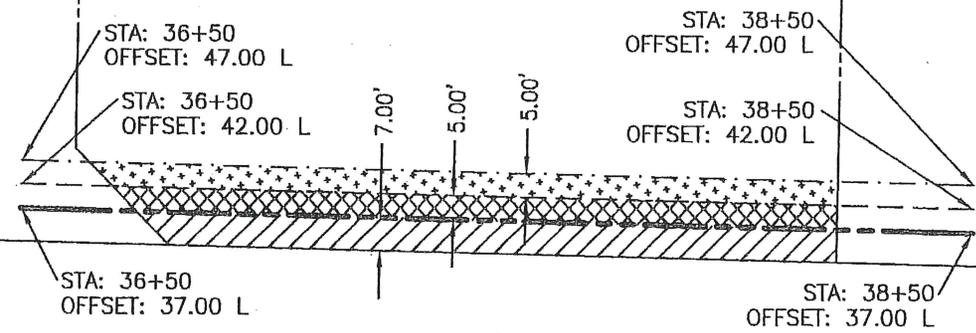
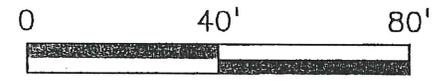
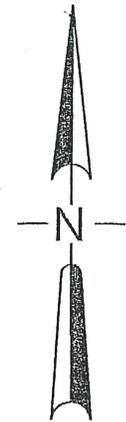


EXHIBIT "A"
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SE ARMSTRONG DRIVE

ARMSTRONG

EXHIBIT "A"
PAGE 4 OF 4



RIGHT OF WAY
TRACT 1 (1,006 SQ. FT.)



PERMANENT EASEMENT
TRACT 2 (749 SQ. FT.)



TEMPORARY CONSTRUCTION
EASEMENT
TRACT 3 (774 SQ. FT.)

PROPERTY	<p>1919 SE ARMSTRONG DRIVE CAMAS, WA 98607 APN: 177481000 AFN: 8906300091 SE1/4 SECTION 32 TOWNSHIP 2 NORTH RANGE 2 EAST WILLAMETTE MERIDIAN CLARK COUNTY, WASHINGTON</p>	<p>COMMUNITY DEVELOPMENT ENGINEERING DEPARTMENT</p>	<p>NW 38TH AVENUE PHASE 2</p>		
OWNER NAME/ ADDRESS	<p>JOHN AND ELAINE ARMSTRONG 1919 SE ARMSTRONG DRIVE CAMAS, WA 98607</p>	<p>CAMAS PROJECT NO. S-565</p>			<p>ACQUISITION MAP</p>
		 <p>616 NE 4TH AVENUE CAMAS, WASHINGTON 98607 (360)834-3451</p>	<p>BY: GEP</p>	<p>DATE: AUGUST 2, 2013</p>	<p>HanmiGlobal Partner 700 WASHINGTON ST, STE 401 VANCOUVER, WA 98660 (360)737-9613 FAX (360)737-9651</p>

PROPERTY ID NUMBER	PROPERTY OWNER	PROPERTY OWNER TAX PAYER'S OR CONTACT ADDRESS	PROPERTY ADDRESS (PER CLARK COUNTY ASSESSMENT RECORDS)	PROPERTY RIGHTS
177482000	Douglas and Sheri Swank	Douglas and Sheri Swank 4831 NW 38 th Avenue, Camas, WA 98607	4831 NW 38 th Avenue, Camas, WA 98607	See attached legal description

EXHIBIT "B"
PAGE 2 OF 4

Tract 1 – Right-of-way Acquisition

A tract of land in the southeast one-quarter of Section 32, Township 2 North, Range 3 East, Willamette Meridian, being a portion of that property described in that Quit Claim Deed to Douglas E. Swank and Sheri L. Swank, recorded Auditor's File Number 9709150196, Clark County Records; the said tract being that portion of said property included in a strip of land 37.00 feet in width lying between lines at right angles to the centerline at Engineer's Stations 38+00.00 and 43+75.00 on the northerly side of the NW 38th Avenue Engineer's Centerline, said Engineer's Centerline being described as follows:

Beginning at Engineer's Centerline Station 0+00.00, said station being the corner common to Sections 31 and 32, Township 2 North, Range 3 East, and Sections 5 and 6, Township 1 North, Range 3 East, Willamette Meridian; thence South 88°42'55" East, a distance of 5,279.79 feet to Engineer's Centerline Station 52+79.79, said station being the corner common to Sections 32 and 33, Township 2 North, Range 3 East, and Sections 4 and 5, Township 1 North, Range 3 East, Willamette Meridian; thence South 88°59'59" East, a distance of 5,283.12 feet to Engineer's Centerline Station 105+62.91, said station being the corner common to Sections 33 and 34, Township 2 North, Range 3 East, and Sections 3 and 4, Township 1 North, Range 3 East, Willamette Meridian.

SAVE AND EXCEPT that portion lying within public roads.

The tract of land to which this description applies contains 3,705 square feet, more or less, outside of the existing right of way.

Tract 2 – Permanent Easement

A tract of land in the southeast one-quarter of Section 32, Township 2 North, Range 3 East, Willamette Meridian, being a portion of that property described in that Quit Claim Deed to Douglas E. Swank and Sheri L. Swank, recorded Auditor's File Number 9709150196, Clark County Records; the said tract being that portion of said property included in a strip of land of variable width lying on the northerly side of the NW 38th Avenue Engineer's Centerline, said Engineer's Centerline being described in Tract 1 above.

The width in fee of said strip is as follows:

Station	to	Station	Width on Northerly Side of Engineer's Centerline
38+00.00		38+55.00	45.00
38+55.00		39+00.00	45.00 in a straight line to 42.00
39+00.00		40+75.00	42.00
40+75.00		41+75.00	42.00 in a straight line to 41.00
41+75.00		43+75.00	41.00

SAVE AND EXCEPT that portion lying within public roads and Tract 1 as described above.

The tract of land to which this description applies contains 2,590 square feet, more or less.

Tract 3 – Temporary Construction Easement

A tract of land in the southeast one-quarter of Section 32, Township 2 North, Range 3 East, Willamette Meridian, being a portion of that property described in that Quit Claim Deed to Douglas E. Swank and Sheri L. Swank, recorded Auditor's File Number 9709150196, Clark County Records; the said tract being that portion of said property included in a strip of land of variable width lying on the northerly side of the NW 38th Avenue Engineer's Centerline, said Engineer's Centerline being described in Tract 1 above.

The width in feet of said strip of land is as follows:

Station	to	Station	Width on Northerly Side of Engineer's Centerline
38+00.00		38+55.00	53.00
38+55.00		39+00.00	53.00 in a straight line to 47.00
39+00.00		40+75.00	47.00
40+75.00		41+75.00	47.00 in a straight line to 45.00
41+75.00		43+75.00	45.00

SAVE AND EXCEPT that portion lying within public roads and Tract 1 and Tract 2 as described above.

The tract of land to which this description applies contains 2,590 square feet, more or less.

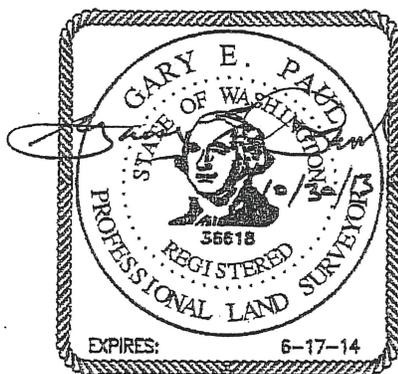


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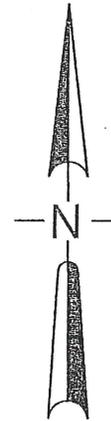
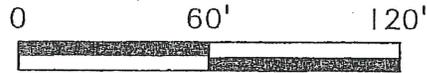
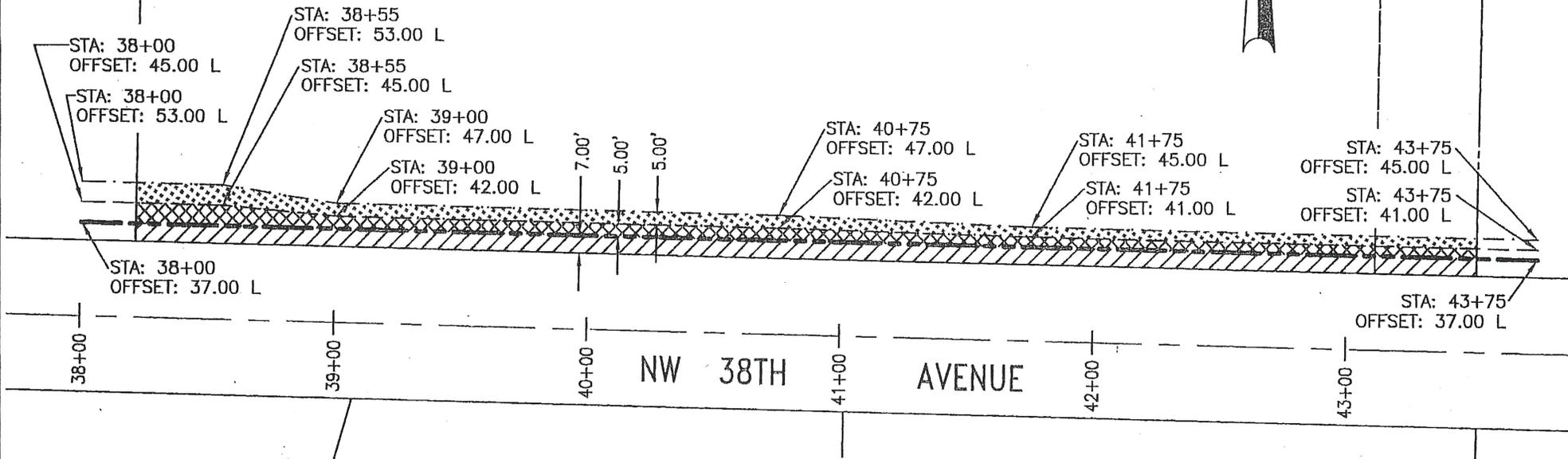


EXHIBIT "B"
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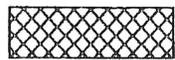
SWANK

ROAD 'C'

WEST LINE H M KNAPP DLC



RIGHT OF WAY
TRACT 1 (3,705 SQ. FT.)



PERMANENT EASEMENT
TRACT 2 (2,590 SQ. FT.)



TEMPORARY CONSTRUCTION
EASEMENT
TRACT 3 (2,590 SQ. FT.)

PROPERTY	4831 NW 38TH AVENUE CAMAS, WA 98607 APN: 177482000 AFN: 9709150196 SE1/4 SECTION 32 TOWNSHIP 2 NORTH RANGE 2 EAST WILLAMETTE MERIDIAN CLARK COUNTY, WASHINGTON	COMMUNITY DEVELOPMENT ENGINEERING DEPARTMENT	NW 38TH AVENUE PHASE 2		
OWNER NAME/ ADDRESS	DOUGLAS AND SHERI SWANK 4831 NW 38TH AVENUE CAMAS, WA 98607	CAMAS PROJECT NO. S-565			ACQUISITION MAP
			BY: GEP	DATE: AUGUST 2, 2013	Hanmi Global Partner 700 WASHINGTON ST, STE 401 VANCOUVER, WA 98660 (360)737-9613 FAX (360)737-9651