

ORDINANCE NO. 23-002

AN ORDINANCE condemning for public street purposes certain land lying within the City of Camas for the purpose of constructing and maintaining 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 from NW Parker Street to Grass Valley Park (“the street improvement project”).
- B. NW 38th Avenue is classified as a regional arterial street whose function is to serve as a primary route to and from the commercially and industrially zoned properties in Grass Valley and for commuting between Camas and Vancouver.
- 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 arterial consisting of two lanes and no improved shoulders or other related facilities, with exceptions of a paved shared use path.
- E. The street improvement project proposes to widen NW 38th Avenue to three lanes between Grass Valley Park and NW Parker Street.
- F. The street improvement project further includes construction of curbs, gutters, bike lanes, sidewalks, street lighting, median, and storm water appurtenances.
- G. The street improvement project is consistent with the City of Camas 20-Year Growth Management Plans.
- H. The property described in Exhibit “A” and depicted in Exhibit “C” 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, to wit, a perpetual easement for ingress and egress for the purpose of constructing, using, installing, repairing, and maintaining the street improvement project and adjacent streams and ditches.

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 March 6, 2023, Camas City Council meeting.

M. Any and all interested parties had the opportunity to address the Camas City Council on this subject at the March 6, 2023, 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 as described herein 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 6th day of March, 2023

SIGNED: _____
Mayor

ATTEST: _____
Clerk

APPROVED as to form:

City Attorney

Exhibit "A"
Page 1 of 1
Permanent Easement
Legal Description

Being a variable width strip of land located in the Northwest One-Quarter of Section 4, Township 1 North, Range 3 East, Willamette Meridian, City of Camas, Clark County, Washington, said strip of land being more particularly described as follows:

All that portion of that parcel conveyed in that Warranty Deed to Mortgage Lenders of America, Et Al as described in Auditor's File Number 5407618, Deed Records of Clark County, Washington, lying northerly and westerly of the following described line, said line is to be lengthened or shortened to terminate at the boundary lines of said property:

BEGINNING at a point on the easterly right-of-way line of NW Parker Street, said point being 270.24 feet right of, when measured at right angles to the centerline of NW 38th Avenue as described in the attached Exhibit "B", said centerline at Engineers' Construction Centerline Station 10+60.53;

Thence on a straight line to a point, being 229.19 feet right of, when measured at right angles to said centerline at Engineers' Station 14+15.15;

Thence on a straight line to a point, being 149.27 feet right of, when measured at right angles to said centerline at Engineers' Station 14+18.58;

Thence on a straight line to a point on the easterly line of said Mortgage Lenders of America parcel, being 159.91 feet right of, when measured at right angles to said centerline at Engineers' Station 16+70.01;

Thence along said easterly Mortgage Lenders parcel line to a point on the southerly right-of-way line of North 38th Avenue, being 89.95 feet right of, when measured at right angles to said centerline at Engineers' Station 16+72.82;

EXCEPTING therefrom any portion of said parcel lying within the existing right-of-way of NW 38th Avenue.

EXCEPTING therefrom any portion of said parcel lying within the existing right-of-way of NW Parker Street.

Contains in all 81,312 square feet or 1.867 acres, more or less.

See Exhibit Map attached hereto.

Exhibit "B"
Page 1 of 2
NW 38th Avenue Construction Centerline Description
City of Camas Road Project Number T-1024

Being a construction centerline located in a portion of the John Hicks Donation Land Claim No. 42, the Northeast One-Quarter and the Northwest One-Quarter of Section 4, Township 1 North, Range 3 East, and the Southeast One-Quarter and the Southwest One-Quarter of Section 33, Township 2 North, Range 3 East, Willamette Meridian, City of Camas, Clark County, Washington, said centerline being more particularly described as follows:

BEGINNING at a 2" brass cap at the northwest corner of said John Hicks Donation Land Claim being in the existing centerline intersection of N.W. 38th Avenue and NW Parker Street, also being Construction Road Centerline Station 10+00;

Thence South 88°59'59" East, along said existing centerline of NW 38th Avenue, 188.87 feet to the beginning of a 770.00 foot radius curve to the left and being Construction Road Centerline Station PC 11+88.87;

Thence leaving said existing centerline along said curve to the left through a central angle of 02°27'16" (the chord of which bears North 89°46'23" East 32.98 feet) 32.98 feet to a point of tangency and being Construction Road Centerline Station PT 12+21.85;

Thence North 88°32'45" East, 438.32 feet to the beginning of a 770.00 foot radius curve to the right and being Construction Road Centerline Station PC 16+60.17;

Thence along said curve to the right through a central angle of 08°34'04" (the chord of which bears South 87°10'12" East 115.04 feet) 115.14 feet to a point of tangency and being Construction Road Centerline Station PT 17+75.32;

Thence South 82°53'10" East, 83.80 feet to the beginning of a 770.00 foot radius curve to the left and being Construction Road Centerline Station PC 18+59.12;

Thence along said curve to the left through a central angle of 06°06'49" (the chord of which bears South 85°56'35" East 82.12 feet) 82.16 feet to a point of tangency and being Construction Road Centerline Station PT 19+41.28;

Thence South 88°59'59" East, 433.89 feet to the beginning of a 2000.00 foot radius curve to the right and being Construction Road Centerline Station PC 23+75.17;

Thence along said curve to the right through a central angle of 01°25'56" (the chord of which bears South 88°17'01" East 49.99 feet) 49.99 feet to a point of tangency and being Construction Road Centerline Station PT 24+25.16;

EXHIBIT "B"

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Thence South $87^{\circ}34'03''$ East, 50.04 feet to the beginning of a 2000.00 foot radius curve to the left and being Construction Road Centerline Station PC 24+75.20;

Thence along said curve to the left through a central angle of $01^{\circ}25'56''$ (the chord of which bears South $88^{\circ}17'01''$ East 49.99 feet) 49.99 feet to a point of tangency and being Construction Road Centerline Station PT 25+25.19 and being on the north line of said Section 4;

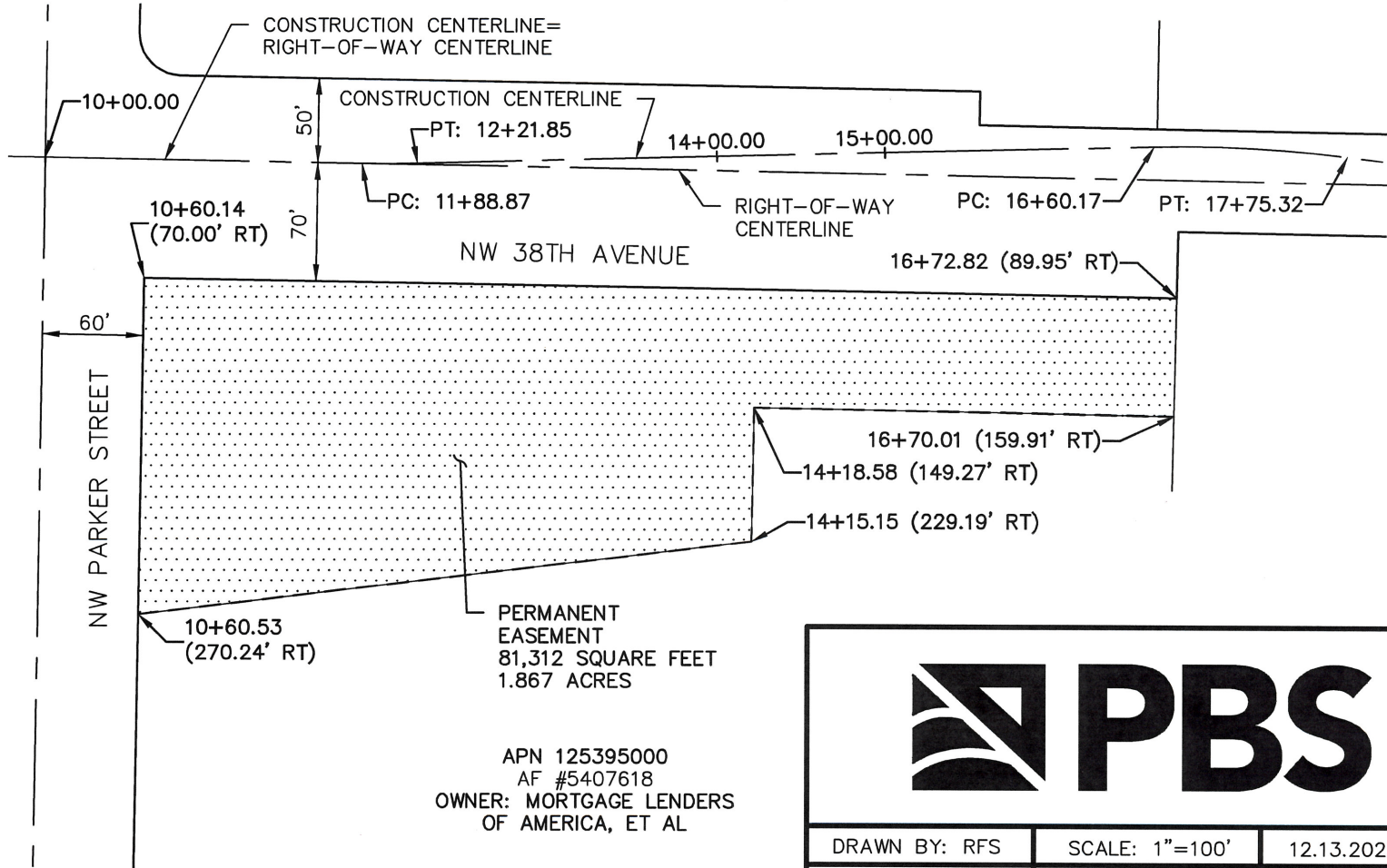
Thence South $88^{\circ}59'59''$ East, along the north line of said Section 4, 1354.81 feet to the **POINT OF TERMINUS** of said construction road centerline being at Station 38+80.00, said point bears North $88^{\circ}59'59''$ West, 1210.92 feet from a 2 1/2" brass cap at the northeast corner of said Section 4.

EXHIBIT "C"

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EXHIBIT MAP PERMANENT EASEMENT

DECEMBER 13, 2021



DRAWN BY: RFS	SCALE: 1"=100'	12.13.2021
CHECKED BY: TLG	JOB NO.: 71519.000	SHEET 1 OF 1