

**ORDINANCE NO. 2936**

**AN ORDINANCE OF THE CITY OF PUYALLUP, WASHINGTON**, relating to the acquisition by eminent domain of a certain portion of property in the City of Puyallup necessary for construction and maintenance of the *9<sup>th</sup>/94<sup>th</sup> Widening Project*; directing staff to exhaust all reasonable negotiation efforts to purchase property necessary for the project, describing the public convenience, use and necessity of such property; providing for the condemnation, appropriation and use of the property; providing the mode of payment of cost of acquisition of the property; and directing the City Attorney to prosecute such action in Pierce County Superior Court in the event direct purchase efforts are not successful.

**WHEREAS**, the 9<sup>th</sup> / 94<sup>th</sup> Street Widening Project (“Project”) is a roadway improvement project included in the City’s Six Year Transportation Program (“Program”); and

**WHEREAS**, consistent with the Program, the City has secured funding for the Project; and

**WHEREAS**, said Project is also a priority transportation project of Pierce County (“County”), and pursuant to Resolution No. 2068, adopted September 17, 2007, the City entered into an agreement to provide for coordinated efforts to construct sanitary sewer improvements necessary and incident to this Project; and

**WHEREAS**, by motion adopted April 21, 2009, the City Council approved a financial participation agreement between the City and County for the Project; and

**WHEREAS**, the Project’s design is completed and the County has commenced construction of its portion of the Project; and

**WHEREAS**, construction of the City’s portion of the project is estimated to begin during the late summer 2009; and

**WHEREAS**, prior to commencement of construction, the City must acquire all right-of-way interests and construction easements necessary for construction of the Project, and must justly compensate affected property owners for the property rights and interests acquired; and

**WHEREAS**, the City, with the assistance with its acquisition agent, has diligently worked to acquire by negotiation all property interests necessary for the Project, has successfully negotiated with a number of property owners, and has otherwise notified all property owners of the Project and the reason for the City’s acquisition efforts; and

WHEREAS, while the City of Puyallup prefers to acquire the necessary right-of-way interests in said property through active negotiations with the owners of said property, time is of the essence and the City may not be able to acquire said interests by negotiation within the time limits mandated by Project funding; and

WHEREAS, there exists in the City of Puyallup certain portions of property legally described in Section 1 of this ordinance that the City must acquire for Project purposes; and

WHEREAS, the City Council finds that said property is critical to the Project and that it is in the public interest to have such property for public safety, welfare and transportation needs; and

WHEREAS, completion of the Project will positively address the important public safety and transportation issues of alleviation of traffic congestion and improvement of traffic flow in the City and between the City and Pierce County; and

WHEREAS, based on the foregoing, the City Council finds that the only alternative available for acquisition of the following property may be by eminent domain;

NOW THEREFORE, the City Council of the City of Puyallup, Washington, does hereby ordain as follows:

**Section 1.**     **Legal description.** The real property that is the subject of this ordinance is legally described as follows:

See attached Exhibit A (maps w/ legal descriptions), which is incorporated herein by this reference.

**Section 2.**     **Findings of Fact.** Each and every of the recitals contained in the preamble to this ordinance are hereby adopted as findings of fact and incorporated herein by reference supporting the action taken in this ordinance.

**Section 3.**     **Public use and necessity.** The public convenience, use, and necessity, demand the acquisition of the right-of-way interests in the real property described in Section 1 herein for construction and maintenance of the *9<sup>th</sup>/94<sup>th</sup> Road Widening Project* and to alleviate traffic congestion and improve traffic flow in the City and between the City and adjacent unincorporated areas of Pierce County.

**Section 4.**     **Condemnation of property.** The real property described in Section 1 herein is hereby condemned and appropriated and taken for the purposes described herein, only after just compensation has been made, or paid into the court for the owner thereof in a manner provided by law.

**Section 5.**     **Costs of acquisition.** The costs of the acquisition provided for by this ordinance shall be paid by the general fund of the City of Puyallup, or such other funds of the City of Puyallup as may be provided by law.

**Section 6.**     **Direction to and Authority of City Attorney.** The City Attorney is hereby directed to exhaust reasonable efforts through direct negotiations to acquire the necessary

property. In the event reasonable negotiation efforts are not successful with affected property owners, the City Attorney is hereby authorized and directed to begin and prosecute actions and proceedings in a manner provided by law to condemn, take, damage, and appropriate the real property necessary to carry out the provisions of this ordinance. In conducting such condemnation proceedings, the City Attorney is hereby authorized to enter into stipulations for the purpose of minimizing damages.

**Section 7. Severability – Construction**

(1) If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

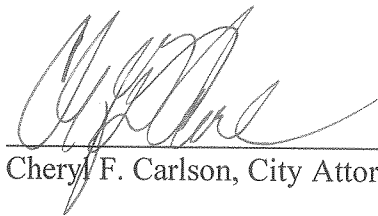
(2) If the provisions of this ordinance are found to be inconsistent with other provisions of the Puyallup Municipal Code, this ordinance is deemed to control.

**Section 8. Effective date.** This ordinance shall take effect and be in full force five (5) days after its passage, approval, and publication in accordance with law.



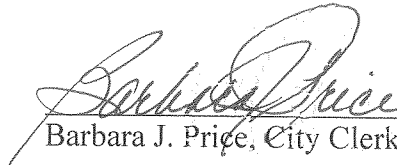
Donald E. Malloy, Mayor

APPROVED AS TO FORM:



Cheryl F. Carlson, City Attorney

ATTEST:



Barbara J. Price, City Clerk

Published: June 11, 2009.

Effective date: June 16, 2009.

Exhibit A

**Project Parcel No. 13: Wheeler  
Tax Parcel No. 4320000135**

PARCEL "A":

The West 105 feet of Tract 57, Half Dollar Berry Tracts, according to the plat recorded in Book 10 of plats, page(s) 51, in Pierce County, Washington.

Except the South 150.475 feet thereof.

Areas needed for right-of-way are as follows:

**1. RIGHT OF WAY AREA**

THAT PORTION OF THE HEREIN DESCRIBED PARCEL "A" LYING WESTERLY OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE NORTHWEST CORNER OF SAID PARCEL "A", SAID CORNER SITUATED ON THE EASTERLY RIGHT OF WAY MARGIN OF 9<sup>TH</sup> AVENUE SW AS DEDICATED PER THE PLAT OF HALF DOLLAR BERRY TRACTS, AS RECORDED IN BOOK 10 OF PLATS, PAGE(S) 51, RECORDS OF PIERCE COUNTY, WASHINGTON; THENCE EASTERLY ALONG THE NORTH LINE OF SAID PARCEL 11.61 FEET TO THE POINT OF BEGINNING OF SAID LINE; THENCE SOUTHERLY TO A POINT 11.00 FEET EASTERLY AND NORMAL WITH SAID MARGIN AND 13.78 FEET SOUTHERLY AND NORMAL WITH SAID NORTH LINE; THENCE SOUTHERLY PARALLEL WITH SAID MARGIN 138.28 FEET TO THE SOUTH LINE OF SAID PARCEL AND THE TERMINUS OF SAID LINE.

CONTAINING AN AREA OF 1677 SQUARE.FEET, MORE OR LESS

**2. EASEMENT AREA**

A STRIP OF LAND 8.00 FEET IN WIDTH SITUATED IN A PORTION OF THE HEREIN DESCRIBED PARCEL "A", THE WESTERLY LINE OF SAID STRIP DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID PARCEL "A", SAID CORNER SITUATED ON THE EASTERLY RIGHT OF WAY MARGIN OF 9<sup>TH</sup> AVENUE SW AS DEDICATED PER THE PLAT OF HALF DOLLAR BERRY TRACTS, AS RECORDED IN BOOK 10 OF PLATS, PAGE(S) 51, RECORDS OF PIERCE COUNTY, WASHINGTON; THENCE EASTERLY ALONG THE NORTH LINE OF SAID PARCEL 11.61 FEET TO THE POINT OF BEGINNING OF SAID LINE; THENCE SOUTHERLY TO A POINT 11.00 FEET EASTERLY AND NORMAL WITH SAID MARGIN AND 13.78 FEET SOUTHERLY AND NORMAL WITH SAID NORTH LINE; THENCE SOUTHERLY PARALLEL WITH SAID MARGIN 138.28 FEET TO THE SOUTH LINE OF SAID PARCEL AND THE TERMINUS OF SAID LINE. EXCEPT THE NORTH 116.56 FEET AND EXCEPT THE SOUTH 10.50 FEET.

CONTAINING AN AREA OF 200 SQUARE.FEET, MORE OR LESS

**Project Parcel No. 16: Salvation Army  
Tax Parcel No. 4320000119**

PARCEL "A":

That portion of Tracts 39 and 40, Half Dollar Berry Tracts, according to the plat recorded in Book 10 of plats, page(s) 51, in Pierce County, Washington, lying north of the following described line;

Beginning 155 feet south of the northwest corner of Tract 40;

thence north 84°36'06" east 69.69 feet;

thence north 85°18'02" east 99.59 feet;

thence north 83°35'06" east 99.89 feet;

thence north 84°43'39" east 99.68 feet;

thence north 80°11'30" east 100.73 feet;

thence north 73°05'55" east 51.87 feet;

thence north 83°01'00" east 110.00 feet to the east line of Tract 39 and the terminus of said line.

Except the east 200 feet thereof.

Except that portion conveyed to Pierce County for 94th Avenue East in deed recorded under Auditor's No. 9503080133

Together with the south half of 114th Street East vacated by Ordinance No. 92-8 recorded under Auditor's No. 9207160334, abutting the following described parcel:

The west 300 feet of that portion of Tract 25, Half Dollar Berry Tracts, according to the plat recorded in Book 10 of plats at page(s) 51, in Pierce County, Washington, lying south of a line parallel and 435 feet south of the south line of 112th Street East.

Except the west 5.00 feet thereof as conveyed to Pierce County in deed recorded under Auditor's No. 8903310372.

(Being Parcel A of Boundary Line Adjustment recorded under Auditor's No. 9411150213 and by affidavit of minor correction recorded under Auditor's No. 9504070325)

Areas needed for right-of-way are as follows:

**1. RIGHT OF WAY AREA**

THAT PORTION OF THE HEREIN DESCRIBED PARCEL "A" LYING WESTERLY OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE NORTHWEST CORNER OF SAID PARCEL "A", SAID CORNER SITUATED ON THE EASTERLY RIGHT OF WAY MARGIN OF 9<sup>TH</sup> AVENUE SW AS CONVEYED TO PIERCE COUNTY, WASHINGTON, BY DEED RECORDED UNDER RECORDING NO. 8903310372, RECORDS OF SAID COUNTY; THENCE EASTERLY ALONG THE NORTH LINE OF SAID PARCEL 10.00 FEET TO THE POINT OF BEGINNING OF SAID LINE; THENCE SOUTHERLY PARALLEL WITH SAID MARGIN 213.59 FEET TO THE SOUTH LINE OF SAID PARCEL AND THE TERMINUS OF SAID LINE.

CONTAINING AN AREA OF 3064 SQUARE FEET, MORE OR LESS

**2. EASEMENT AREA**

A STRIP OF LAND 8.00 FEET IN WIDTH SITUATED IN A PORTION OF THE HEREIN DESCRIBED PARCEL "A", THE WESTERLY LINE OF SAID STRIP DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID PARCEL "A", SAID CORNER SITUATED ON THE EASTERLY RIGHT OF WAY MARGIN OF 9<sup>TH</sup> AVENUE SW AS CONVEYED TO PIERCE COUNTY, WASHINGTON, BY DEED RECORDED UNDER RECORDING NO. 8903310372, RECORDS OF SAID

COUNTY; THENCE EASTERLY ALONG THE NORTH LINE OF SAID PARCEL 10.00 FEET TO THE POINT OF BEGINNING OF SAID LINE; THENCE SOUTHERLY PARALLEL WITH SAID MARGIN 30.05 FEET TO THE TERMINUS OF SAID LINE AND STRIP.

THE EASTERLY LINE OF SAID STRIP TO BE LENGTHENED OR SHORTENED TO INTERSECT THE NORTH LINE OF SAID PARCEL.

CONTAINING AN AREA OF 240 SQUARE FEET, MORE OR LESS

**Project Parcel No. 17: Salvation Army  
Tax Parcel No. 4320000024**

PARCEL "A":

The West 300 feet of that portion of Tract 25, Half Dollar Berry Tracts, according to the plat recorded in Book 10 of plats, page(s) 51, in Pierce County, Washington, lying South of a line parallel and 435 feet South of the South line of 112th Street East.

Except that portion conveyed to Pierce County by Quit Claim Deed recorded under Auditor's fee number 8903310372.

(Also known as Parcel B of Boundary Line Adjustment recorded under Auditor's fee number 9411150213.)

Areas needed for right-of-way are as follows:

**1. RIGHT OF WAY AREA**

THAT PORTION OF THE HEREIN DESCRIBED PARCEL "A" LYING WESTERLY OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE NORTHWEST CORNER OF SAID PARCEL "A", SAID CORNER SITUATED ON THE EASTERLY RIGHT OF WAY MARGIN OF 9<sup>TH</sup> AVENUE SW AS CONVEYED TO PIERCE COUNTY, WASHINGTON, BY DEED RECORDED UNDER RECORDING NO. 8903310372, RECORDS OF SAID COUNTY; THENCE EASTERLY ALONG THE NORTH LINE OF SAID PARCEL 10.00 FEET TO THE POINT OF BEGINNING OF SAID LINE; THENCE SOUTHERLY PARALLEL WITH SAID MARGIN 170.59 FEET TO THE SOUTH LINE OF SAID PARCEL AND THE TERMINUS OF SAID LINE.

CONTAINING AN AREA OF 1,705 SQUARE FEET, MORE OR LESS.

**2. EASEMENT AREA**

A STRIP OF LAND 8.00 FEET IN WIDTH SITUATED IN A PORTION OF THE HEREIN DESCRIBED PARCEL "A", THE WESTERLY LINE OF SAID STRIP DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID PARCEL "A", SAID CORNER SITUATED ON THE EASTERLY RIGHT OF WAY MARGIN OF 9<sup>TH</sup> AVENUE SW AS CONVEYED TO PIERCE COUNTY, WASHINGTON, BY DEED RECORDED UNDER RECORDING NO. 8903310372, RECORDS OF SAID COUNTY; THENCE EASTERLY ALONG THE NORTH LINE OF SAID PARCEL 10.00 FEET TO THE POINT OF BEGINNING OF SAID LINE; THENCE SOUTHERLY PARALLEL WITH SAID MARGIN 170.59 FEET TO THE SOUTH LINE OF SAID PARCEL AND THE TERMINUS OF SAID LINE. EXCEPT THE NORTH 80.12 FEET.

THE EASTERLY LINE OF SAID STRIP TO BE LENGTHENED OR SHORTENED TO INTERSECT THE SOUTH LINE OF SAID PARCEL.

CONTAINING AN AREA OF 723 SQUARE FEET, MORE OR LESS.

**Project Parcel No. 19: Gateway Main  
Tax Parcel No. 4320000080**

PARCEL "A":

That portion of Lot 8, Half Dollar Berry Tracts, according to the plat recorded in Book 10 of plats, page(s) 51, in Pierce County, Washington.

Commencing at a point 150 feet South of the Northwest corner of said Lot 8;  
Thence East 225.07 feet;  
Thence South 85 feet;  
Thence West 225.07 feet;  
Thence North 85 feet to the point of beginning.

Areas needed for right-of-way are as follows:

**1. RIGHT OF WAY AREA**

THAT PORTION OF THE HEREIN DESCRIBED PARCEL "A" LYING WESTERLY OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE NORTHWEST CORNER OF SAID PARCEL "A", SAID CORNER SITUATED ON THE EASTERLY RIGHT OF WAY MARGIN OF 9<sup>TH</sup> AVENUE SW AS DEDICATED PER THE PLAT OF HALF DOLLAR BERRY TRACTS, AS RECORDED IN BOOK 10 OF PLATS, PAGE(S) 51, RECORDS OF PIERCE COUNTY, WASHINGTON; THENCE EASTERLY ALONG THE NORTH LINE OF SAID PARCEL 15.00 FEET TO THE POINT OF BEGINNING OF SAID LINE; THENCE SOUTHERLY PARALLEL WITH SAID MARGIN 84.97 FEET TO THE SOUTH LINE OF SAID PARCEL AND THE TERMINUS OF SAID LINE.

CONTAINING AN AREA OF 1275 SQUARE FEET, MORE OR LESS

**2. EASEMENT AREA**

A STRIP OF LAND 8.00 FEET IN WIDTH SITUATED IN A PORTION OF THE HEREIN DESCRIBED PARCEL "A", THE WESTERLY LINE OF SAID STRIP DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID PARCEL "A", SAID CORNER SITUATED ON THE EASTERLY RIGHT OF WAY MARGIN OF 9<sup>TH</sup> AVENUE SW AS DEDICATED PER THE PLAT OF HALF DOLLAR BERRY TRACTS, AS RECORDED IN BOOK 10 OF PLATS, PAGE(S) 51, RECORDS OF PIERCE COUNTY, WASHINGTON; THENCE EASTERLY ALONG THE NORTH LINE OF SAID PARCEL 15.00 FEET TO THE POINT OF BEGINNING OF SAID LINE; THENCE SOUTHERLY PARALLEL WITH SAID MARGIN 84.97 FEET TO THE SOUTH LINE OF SAID PARCEL AND THE TERMINUS OF SAID LINE. EXCEPT THE SOUTH 28.86 FEET.

THE EASTERLY LINE OF SAID STRIP TO BE LENGTHENED OR SHORTENED TO INTERSECT THE NORTH LINE OF SAID PARCEL.

CONTAINING AN AREA OF 449 SQUARE FEET, MORE OR LESS

**Project Parcel No. 20: 94<sup>th</sup> Partnership  
Tax Parcel No. 4320000010**

PARCEL "A":

The West 225.2 feet of the North 150 feet of Tract 8, Half Dollar Berry Tracts, according to the plat recorded in Book 10 of plats, page(s) 51, in Pierce County, Washington.

Except that portion conveyed to the State of Washington by warranty deed recorded under Auditor's fee number 9408190399 and;

Except that portion conveyed to the City of Puyallup by Statutory Warranty Deed recorded under Auditor's fee number 200011130756.

Areas needed for right-of-way are as follows:

**1. RIGHT OF WAY AREA**

THAT PORTION OF THE HEREINDESCRIBED PARCEL "A" LYING WESTERLY AND NORTHERLY OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE NORTHEAST CORNER OF SAID PARCEL "A", SAID CORNER SITUATED ON THE SOUTHERLY RIGHT OF WAY MARGIN OF 39<sup>TH</sup> AVENUE SW AS CONVEYED TO THE STATE OF WASHINGTON BY DEED RECORDED UNDER RECORDING NO. 9408190399, RECORDS OF PIERCE COUNTY, WASHINGTON; THENCE SOUTHERLY ALONG THE EAST LINE OF SAID PARCEL 5.00 FEET TO THE POINT OF BEGINNING OF SAID LINE; THENCE WESTERLY PARALLEL WITH SAID MARGIN 168.31 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 42.00 FEET; THENCE WESTERLY AND SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 89°50'48" A DISTANCE OF 65.86 FEET TO A POINT 15.00 FEET EASTERLY AND NORMAL WITH THE EASTERLY RIGHT OF WAY MARGIN OF 9<sup>TH</sup> AVENUE SW AS DEDICATED PER THE PLAT OF HALF DOLLAR BERRY TRACTS, AS RECORDED IN BOOK 10 OF PLATS, PAGE(S) 51, RECORDS OF SAID COUNTY; THENCE SOUTHERLY PARALLEL WITH SAID MARGIN 103.12 FEET TO THE SOUTH LINE OF SAID PARCEL AND THE TERMINUS OF SAID LINE.

CONTAINING AN AREA OF 3645 SQUARE FEET, MORE OR LESS.

**2. EASEMENT AREA**

THAT PORTION OF THE HEREIN DESCRIBED PARCEL "A", DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID PARCEL "A", SAID CORNER SITUATED ON THE SOUTHERLY RIGHT OF WAY MARGIN OF 39<sup>TH</sup> AVENUE SW AS CONVEYED TO THE STATE OF WASHINGTON BY DEED RECORDED UNDER RECORDING NO. 9408190399, RECORDS OF PIERCE COUNTY, WASHINGTON; THENCE SOUTHERLY ALONG THE EAST LINE OF SAID PARCEL 5.00 FEET; THENCE WESTERLY PARALLEL WITH SAID MARGIN 168.31 FEET TO THE POINT OF BEGINNING AND THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 42.00 FEET; THENCE WESTERLY AND SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 89°50'48" A DISTANCE OF 65.86 FEET TO A POINT 15.00 FEET EASTERLY AND NORMAL WITH THE EASTERLY RIGHT OF WAY MARGIN OF 9<sup>TH</sup> AVENUE SW AS DEDICATED PER THE PLAT OF HALF DOLLAR BERRY TRACTS, AS RECORDED IN BOOK 10 OF PLATS, PAGE(S) 51,



RECORDS OF SAID COUNTY; THENCE SOUTHERLY ALONG SAID EAST LINE PARALLEL WITH SAID MARGIN 103.12 FEET TO THE SOUTH LINE OF SAID PARCEL; THENCE EASTERLY ALONG SAID SOUTH LINE 8.00 FEET; THENCE NORTHERLY PARALLEL WITH SAID EASTERLY MARGIN 111.25 FEET; THENCE NORTHEASTERLY 47.91 FEET TO THE POINT OF BEGINNING.

CONTAINING AN AREA OF 1,356 SQUARE FEET, MORE OR LESS.

**Project Parcel No. 24: 94<sup>th</sup> Partnership  
Tax Parcel No. 4320000043**

Parcel A:

That portion of Tracts 7 and 8, Half Dollar Tracts, according to the plat recorded in Book 10 of plats, page(s) 51, in Pierce County, Washington.

Beginning at a point 260 feet West of the Northeast corner of Tract 7;  
Thence West along the North line of said Tract, 140 feet;  
Thence South parallel with the East line of Tract 7, 235 feet;  
Thence East parallel with the North line of Tract 7, 140 feet;  
Thence North parallel with the East line of Tract 7, 235 feet to the point of beginning.

Except that portion conveyed to State of Washington by warranty deed recorded under Auditor's fee number 9408190399.

Parcel B:

The West 15 feet of the East 260 of the North 235 feet of Tract 7, Half Dollar Berry Tracts, according to the plat recorded in Book 10 of plats, page(s) 51, in Pierce County, Washington.

Except that portion conveyed to State of Washington by warranty deed recorded under Auditor's fee number 9408190399.

Areas needed for right-of-way are as follows:

**1. RIGHT OF WAY AREA**

THAT PORTION OF THE HEREIN DESCRIBED PARCEL "A" LYING NORTHERLY OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE NORTHEAST CORNER OF SAID PARCEL "A", SAID CORNER SITUATED ON THE SOUTHERLY RIGHT OF WAY MARGIN OF 39<sup>TH</sup> AVENUE SOUTHWEST AS CONVEYED TO THE STATE OF WASHINGTON BY DEED RECORDED UNDER RECORDING NO. 9408190399, RECORDS OF PIERCE COUNTY, WASHINGTON; THENCE SOUTHERLY ALONG THE EAST LINE OF SAID PARCEL 9.00 FEET TO THE POINT OF BEGINNING OF SAID LINE; THENCE WESTERLY PARALLEL WITH SAID MARGIN 154.61 FEET TO THE WEST LINE OF SAID PARCEL AND THE TERMINUS OF SAID LINE.

CONTAINING AN AREA OF 1,391 SQUARE FEET, MORE OR LESS.

**2. EASEMENT AREA**

A STRIP OF LAND 4.00 FEET IN WIDTH SITUATED IN A PORTION OF THE HEREIN DESCRIBED PARCEL "A", THE NORTHERLY LINE OF SAID STRIP DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID PARCEL "A", SAID CORNER SITUATED ON THE SOUTHERLY RIGHT OF WAY MARGIN OF 39<sup>TH</sup> AVENUE SOUTHWEST AS CONVEYED TO THE STATE OF WASHINGTON BY DEED RECORDED UNDER RECORDING NO. 9408190399, RECORDS OF PIERCE COUNTY, WASHINGTON; THENCE SOUTHERLY ALONG THE EAST LINE OF SAID PARCEL 9.00 FEET TO THE POINT OF BEGINNING OF SAID LINE; THENCE WESTERLY PARALLEL WITH SAID MARGIN 154.61 FEET TO THE WEST LINE OF SAID PARCEL AND THE TERMINUS OF SAID LINE.

THE SOUTHERLY LINE OF SAID STRIP TO BE LENGTHENED OR SHORTENED TO INTERSECT SAID EAST AND WEST PARCEL LINES.

CONTAINING AN AREA OF 618 SQUARE FEET, MORE OR LESS.