

CITY OF UNION GAP, WASHINGTON
ORDINANCE NO. 2577

AN ORDINANCE of the City of Union Gap, Washington providing for the acquisition of certain properties for the improvement of Valley Mall Boulevard (Phase IV) all located within the City of Union Gap, Yakima County, Washington.

THE CITY COUNCIL OF THE CITY OF UNION GAP DOES ORDAIN as follows:

Section 1. **Recitals**

1.1 The City is engaged in the design and construction of a new east-west corridor from I-82 to the Yakima Air Terminal, known as Valley Mall Boulevard. With the increase in traffic congestion associated with the existing street network and the at-grade railroad crossings of other roadways within the City, this new facility, including the only grade-separated railroad crossing in the area, has become a project of regional significance. The City is now entering Phase IV of the design and construction of the corridor.

1.2 In addition, the Valley Mall Boulevard Project will provide an adequate facility to provide access to continuously growing traffic based operations within the area. Furthermore, the new roadway will be designated the major truck route in the area as well as being part of the National Highway System (NHS). The new roadway will improve and enhance the Yakima Valley's role in international trade by developing the necessary infrastructure to support trade-related activities such as expanded air cargo services, warehouse storage facilities, industrial parks and foreign trade zone assembly.

1.3 The public use and necessity require that the property and property rights herein identified be condemned, appropriated and taken for public use by the City for such purposes as it may now or hereafter declare in the public interest.

Section 2. **Public Use and Necessity**

2.1 The public convenience, use and necessity demand that portions of or entire parcels of the real property described in Appendix A hereto in Yakima County, Washington be and the same is hereby condemned for the improvement of Valley Mall Boulevard.

2.2 In the condemnation of the described property for the improvement of Valley Mall Boulevard, and for general municipal purposes, the City shall acquire a fee interest in portions of parcels or entire parcels of property as described in Appendix A.

Section 3. Property for Public Use – Just Compensation.

All lands, rights, privileges and other property lying within the limits of the lots, blocks and tracts of land described in Appendix A or portions are hereby condemned, appropriated, taken and damaged for the purpose of improving Valley Mall Boulevard and other public use, and all lands, rights, privileges and other properties are to be taken, damaged and appropriated only after just compensation has been made, or paid into court, for the owners thereof in a manner provided by law.

Section 4. Reservation.

Nothing in this ordinance limits the City in its identification and acquisition of property and property rights necessary for these purposes. The City reserves the right to acquire other of different properties for improvement to City streets, including Valley Mall Boulevard.

Section 5. Funding.

The entire cost of the improvement and acquisition provided for by this ordinance shall be paid from such general funds, and such other funds of the City of Union Gap as may be provided by law.

Section 6. Prosecution.

The City Attorney, and any Special Assistant City Attorneys, be and they are hereby authorized and directed to begin and prosecute the actions and proceedings in the manner provided by law to condemn, take, damage and appropriate the lands and other property necessary to carry out the provisions of this ordinance. In conducting said condemnation proceedings, the Office of the City Attorney is hereby authorized to enter into stipulations for the purpose of minimizing damages.

Section 7. Effective Date.

This ordinance shall take effect and be in force five (5) days from and after its passage, approval and publication as provided by law.

ORDAINED this 23rd day of March 2009.

Jim Lemon, Mayor

ATTEST:

APPROVED AS TO FORM:

Kathryn Thompson, CMC, City Clerk

Robert F. Noe, City Attorney