

**RESOLUTION NO. 2167**

**A RESOLUTION OF THE CITY OF PUYALLUP  
DECLARING CERTAIN PROPERTY AS SURPLUS AND  
AUTHORIZING ITS SALE.**

**Whereas**, Mr. and Mrs. Wolfe live at 2001 30th Street Court SE, near the intersection of Shaw Road and 23rd Avenue SE in Puyallup;

**Whereas**, the property immediately east of the Wolfe property is owned by the City of Puyallup and contains a stormwater detention pond;

**Whereas**, Mr. and Mrs. Wolfe have proposed to purchase a strip of the City's stormwater detention pond property, which will be approximately four feet wide, in order to move their property boundary, thus, resolve a setback issue;

**Whereas**, the strip of land will be approximately 400 square feet, and has an appraised value of \$9.24 per square foot;

**Whereas**, the fee interest in the of the strip of land is surplus to the City's needs and is not required for the City to provide continued public utility service;

**Whereas**, an easement or similar interest that allows the City to use the strip of land without restriction is sufficient for the City to provide continued public utility service;

**Whereas**, the City held a public hearing pursuant to law;

**NOW THEREFORE**, the City Council of the City of Puyallup, Washington hereby resolves as follows:

**Section 1. Declaration of Surplus & Authorization of Sale.** The fair market value of the strip of land is \$9.24 per square foot. The fee interest in the strip of land is surplussed. The City Manager is authorized to negotiate and sell the fee interest in the strip of land to Mr. and Mrs. Wolfe, adjacent property owners, in a commercially reasonable manner for a price that equals or exceeds its fair market value. The City Manager shall ensure that City retains or obtains an easement or similar interest in the strip of land that allows the City to use the strip of land without restriction. The City Manager is further authorized to execute any sale, transfer or related documents substantially in a form as approved by the City Attorney.

**Section 2. Severability.** If any section, subsection, sentence, clause, phrase, or other portion of this resolution, or its application to any person or entity, is, for any reason, declared

invalid, in whole or in part by any court or agency of competent jurisdiction, said decision shall not affect the validity of the remaining portions hereof.

**Section 3. Effective Date.** This resolution shall take effect immediately, as provided by law.

ADOPTED by the City Council of the City of Puyallup, Washington, this 12<sup>th</sup> day of December, 2010.

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Kathy R. Turner, Mayor

Approved as to form:

Attest:

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Cheryl Carlson, City Attorney

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Barbara J. Price, City Clerk