

**LAKWOOD WATER DISTRICT
PIERCE COUNTY, WASHINGTON**

RESOLUTION No. B-1471

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF LAKEWOOD WATER DISTRICT, PIERCE COUNTY, WASHINGTON, AUTHORIZING AND APPROVING THE ACQUISITION BY NEGOTIATION OR CONDEMNATION CERTAIN REAL PROPERTY FOR WHOLESALE TRANSMISSION MAIN EXTENSION BY THE DISTRICT AND AUTHORIZING AND DIRECTING THE GENERAL MANAGER TO EXECUTE ALL DOCUMENTS AND TO TAKE ALL ACTIONS NECESSARY TO ACQUIRE SUCH PROPERTY.

WHEREAS, Lakewood Water District (“District”) is a special purpose water-sewer municipal corporation authorized and existing under the laws of the State of Washington, Title 57 RCW, and, pursuant to RCW 57.08.005 (1) and (3), has the power to acquire by purchase or condemnation lands and property necessary for its purposes; and

WHEREAS, the District Board of Commissioners has previously authorized and approved the District’s Comprehensive Water System Plan (“Comprehensive Plan”) to conform with the requirements of the Pierce County Comprehensive Plan to provide water service to the District’s water service planning area, and the Comprehensive Plan includes the construction, implementation, and operation of the Wholesale Transmission Main Extension Project; and

WHEREAS, to provide water service to additional property owners and customers within the service area of the District, District staff have identified certain real property as suitable and necessary for location and construction of a wholesale transmission line hereinafter referred to as the “Wholesale Transmission Main Extension Project” also known as “WTME Project”; such real property is legally described on Exhibit A and depicted on Exhibit B attached hereto and incorporated herein in full by this reference (the “Real Property”); and

WHEREAS, to construct and complete the WTME Project on the Real Property, it will be necessary to acquire, condemn, appropriate, and take easements in the Real Property;

WHEREAS, the District, as a municipal corporation, is authorized by Chapter 57.08 RCW to institute eminent domain proceedings under Chapter 8.12 RCW to acquire real property and interests therein; and

WHEREAS, District staff have requested that the Board of Commissioners authorize District staff, legal counsel, and consulting architects, engineers, and appraisers to proceed with the acquisition of the Real Property by negotiation and/or condemnation proceedings as deemed appropriate, subject to the District’s paying the owners of the Real Property just compensation for such acquisition; now therefore,

BE IT RESOLVED by the Board of Commissioners of Lakewood Water District of Pierce County, Washington, as follows:

1. The Recitals set forth above are adopted as if set forth in full herein;
2. The District's acquisition of the Real Property is for a public project providing a general public good and benefit to the customers of the District, is for a public use and necessity for the construction of the WTME Project, and is condemned, appropriated, taken, and damaged in fee for public purposes, subject to the making or paying of just compensation to the owners thereof in the manner provided by law;
3. It is necessary to acquire the Real Property by negotiation and/or condemnation proceedings to carry out the purposes of the District for the WTME Project referenced above;
4. District staff, legal counsel, and the District's consulting architects, engineers, and appraisers are hereby authorized and directed to take all steps necessary to acquire the Real Property and to have the owners thereof paid just compensation for such acquisition or taking as required by law from the general funds of the District; and
5. Upon any successful negotiation of terms for the purchase of the Real Property in lieu of condemnation, Randall M. Black, the District General Manager, is authorized and directed to execute on behalf of the District a Real Estate Purchase and Sale Agreement (the "Purchase Agreement") in a form to be prepared by District counsel, and thereafter to take all actions necessary to carry out the terms of such Purchase Agreement, including the execution and delivery on behalf of the District of all documents related thereto, including notices, escrow instructions, excise tax affidavit, and any other agreement necessary to close the District's acquisition of the Real Property.

ADOPTED by the Board of Commissioners of Lakewood Water District, Pierce County, Washington, at a regular open public meeting thereof held on the 23rd day of September, 2021.

LAKWOOD WATER DISTRICT

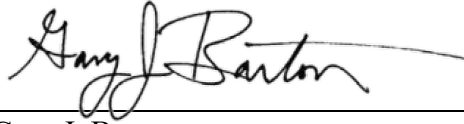
By 
John S. Korsmo, Jr., Commissioner and President

By 
Gregory J. Rediske, Commissioner and Vice President

By 
Gary J. Barton, Commissioner and Secretary

CERTIFICATE

I, Gary J. Barton, Secretary of the Board of Commissioners of Lakewood Water District, Pierce County, Washington, do hereby certify that the foregoing resolution is a true and correct copy of Resolution No. B-1471 of such Board, duly adopted at a regular meeting thereof held on the 13th day of September, 2021, signed by the members of such Board in attendance at such meeting and attested by myself in authentication of such adoption.

A handwritten signature in black ink that reads "Gary J. Barton". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Gary J. Barton
Secretary of the Board of Commissioners
Lakewood Water District

EXHIBIT A

Legal Description of Real Property

EXHIBIT A
20.00' WIDE WATER EASEMENT
TAX LOT NO. 0319243005

LEGAL DESCRIPTION

A 20.00 FOOT WIDE STRIP OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 19 NORTH, RANGE 3 EAST OF THE WILLAMETTE MERIDIAN, PIERCE COUNTY, WASHINGTON STATE, AND LYING 10.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE MONUMENTED CENTER OF SAID SECTION 24; THENCE NORTH 87°06'40" WEST, ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 24, 204.62 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 01°26'43" WEST, 150.00 FEET TO THE SOUTH LINE OF THE NORTH 150.00 FEET OF SAID SUBDIVISION, AND THE TERMINUS OF THIS CENTERLINE DESCRIPTION.

THE SIDELINES OF THIS EASEMENT SHALL BE LENGTHENED OR SHORTENED TO BEGIN ON THE NORTH LINE OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, AND TO TERMINATE ON THE SOUTH LINE OF THE NORTH 150.00 FEET OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 24.



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| SHEET TITLE | PREPARED BY | SHEET |
| EXHIBIT <u>A</u> WATER EASEMENT TAX LOT NO. 0319243005 |  CIVIL ■ STRUCTURAL ■ SURVEYING 4815 CENTER STREET TACOMA, WA. 98409 PHONE: (253) 474-9449 WWW.SITSHILL.COM | PROJECT NO. 19004 |

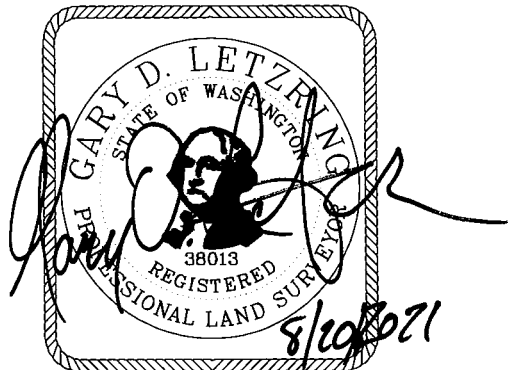
EXHIBIT A
20.00' WIDE WATER EASEMENT
TAX LOT NO. 0319242004

LEGAL DESCRIPTION

A 20.00 FOOT WIDE STRIP OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 19 NORTH, RANGE 3 EAST OF THE WILLAMETTE MERIDIAN, PIERCE COUNTY, WASHINGTON STATE, AND LYING 10.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE MONUMENTED CENTER OF SAID SECTION 24; THENCE NORTH 01°23'58" EAST, ALONG THE CENTERLINE OF BINGHAM AVENUE EAST, ALSO BEING THE NORTH - SOUTH CENTERLINE OF SAID SECTION, 89.57 FEET; THENCE NORTH 88°34'36" WEST, 30.00 FEET TO THE WESTERLY MARGIN OF SAID BINGHAM AVENUE EAST, AND THE POINT OF BEGINNING; THENCE CONTINUING NORTH 88°34'36" WEST, 175.23 FEET; THENCE SOUTH 00°56'14" WEST, 84.34 FEET TO THE SOUTH LINE OF THE AFOREMENTIONED SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 24, AND THE TERMINUS OF THIS CENTERLINE DESCRIPTION.

THE SIDELINES OF THIS EASEMENT SHALL BE LENGTHENED OR SHORTENED TO BEGIN ON THE WESTERLY MARGIN OF SAID BINGHAM AVENUE EAST, AND TERMINATE ON THE SOUTH LINE OF SAID SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 24



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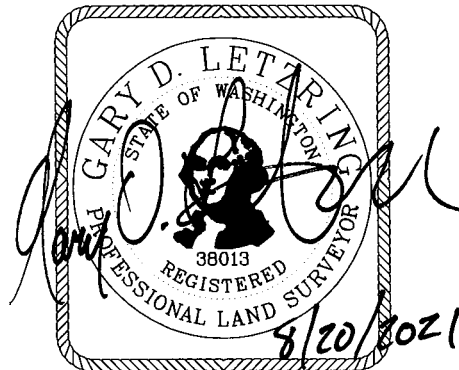
EXHIBIT A
20.00' WIDE WATER EASEMENT
TAX LOT NO. 0319243003

LEGAL DESCRIPTION

A 20.00 FOOT WIDE STRIP OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 19 NORTH, RANGE 3 EAST OF THE WILLAMETTE MERIDIAN, PIERCE COUNTY, WASHINGTON STATE, AND LYING 10.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE MONUMENTED CENTER OF SAID SECTION 24; THENCE NORTH 87°06'40" WEST, ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 24, 204.62 FEET; THENCE SOUTH 01°26'43" WEST, 150.00 FEET TO THE SOUTH LINE OF THE NORTH 150.00 FEET OF SAID SUBDIVISION; THENCE SOUTH 01°24'31" WEST, 400.00 FEET TO THE SOUTH LINE OF THE NORTH 550.00 FEET OF SAID SUBDIVISION, AND THE POINT OF BEGINNING OF THIS CENTERLINE DESCRIPTION; THENCE CONTINUING SOUTH 01°24'31" WEST, 439.65 FEET, MORE OR LESS, TO THE NORTHEASTERLY MARGIN OF THE WIEDERHOLD HEADLY COUNTY ROAD (BROOKDALE ROAD EAST), AND THE TERMINUS OF THIS CENTERLINE DESCRIPTION.

THE SIDELINES OF THIS EASEMENT SHALL BE LENGTHENED OR SHORTENED TO BEGIN ON THE SOUTH LINE OF THE NORTH 550.00 FEET OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 24; AND TERMINATE ON THE NORTHERLY MARGIN OF WIEDERHOLD HEADLY COUNTY ROAD (BROOKDALE ROAD EAST).



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EXHIBIT A
20.00' WIDE WATER EASEMENT
TAX LOT NO. 0319243004

LEGAL DESCRIPTION

A 20.00 FOOT WIDE STRIP OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 19 NORTH, RANGE 3 EAST OF THE WILLAMETTE MERIDIAN, PIERCE COUNTY, WASHINGTON STATE, AND LYING 10.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE MONUMENTED CENTER OF SAID SECTION 24; THENCE NORTH 87°06'40" WEST, ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 24, 204.62 FEET; THENCE SOUTH 01°26'43" WEST, 150.00 FEET TO THE SOUTH LINE OF THE NORTH 150.00 FEET OF SAID SUBDIVISION, AND THE POINT OF BEGINNING OF THIS CENTERLINE DESCRIPTION; THENCE SOUTH 01°24'31" WEST, 400.00 FEET TO THE SOUTH LINE OF THE NORTH 550.00 FEET OF SAID SUBDIVISION, AND THE TERMINUS OF THIS CENTERLINE DESCRIPTION.

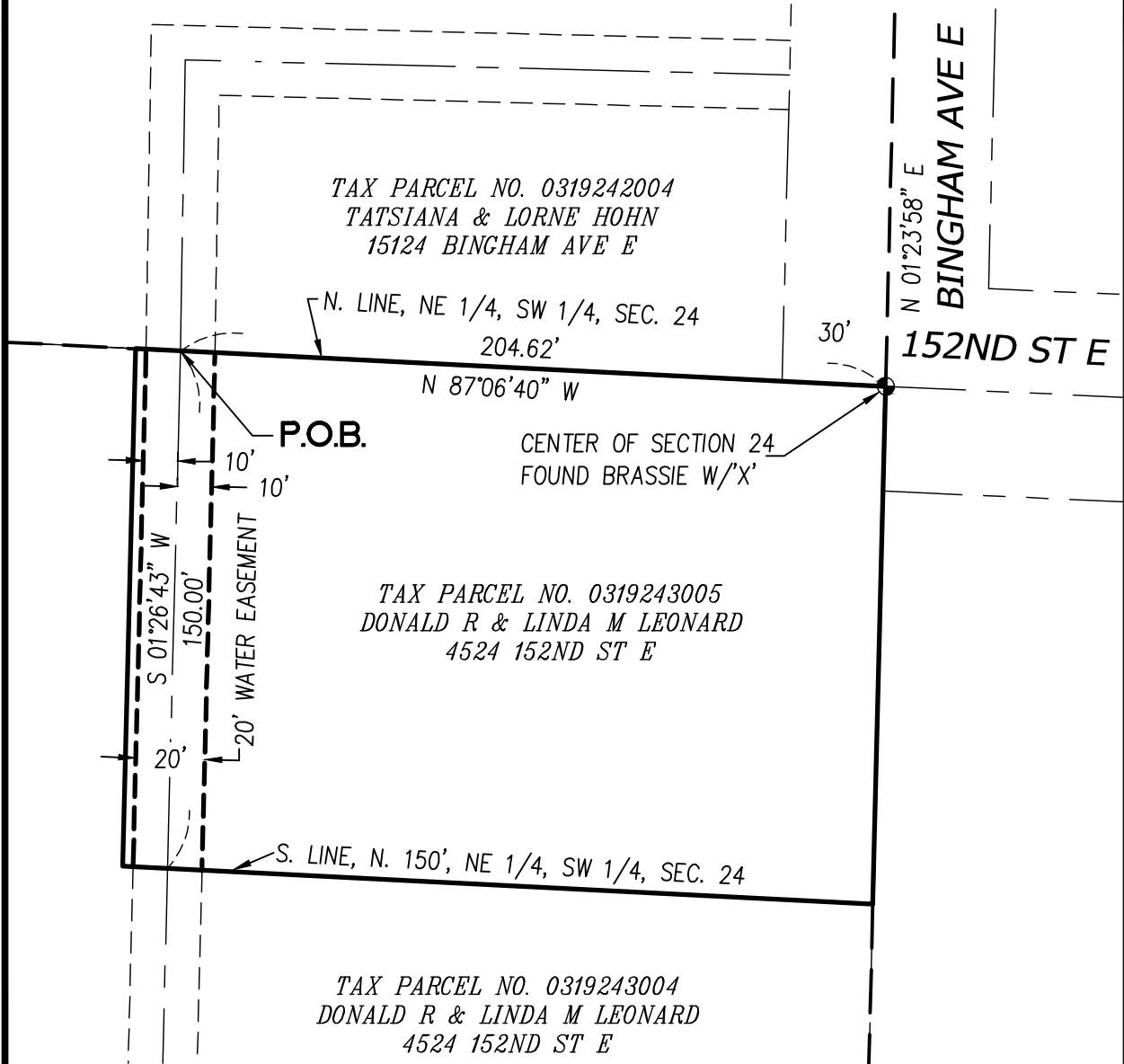
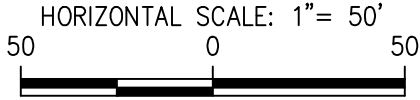
THE SIDELINES OF THIS EASEMENT SHALL BE LENGTHENED OR SHORTENED TO BEGIN ON THE SOUTH LINE OF THE NORTH 150.00 FEET OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 24; AND TERMINATE ON THE SOUTH LINE OF THE NORTH 550.00 FEET OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 24.



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| EXHIBIT <u>A</u> WATER EASEMENT TAX LOT NO. 0319243004 | sh sitts & hill CIVIL ■ STRUCTURAL ■ SURVEYING 4815 CENTER STREET TACOMA, WA. 98409 PHONE: (253) 474-9449 WWW.SITTSHILL.COM | PROJECT NO. 19004 |

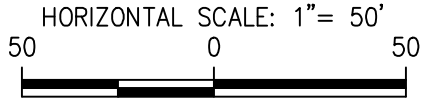
EXHIBIT B
DEPICTION OF REAL PROPERTY

EXHIBIT B
20.00' WIDE WATER EASEMENT
TAX LOT NO. 0319243005

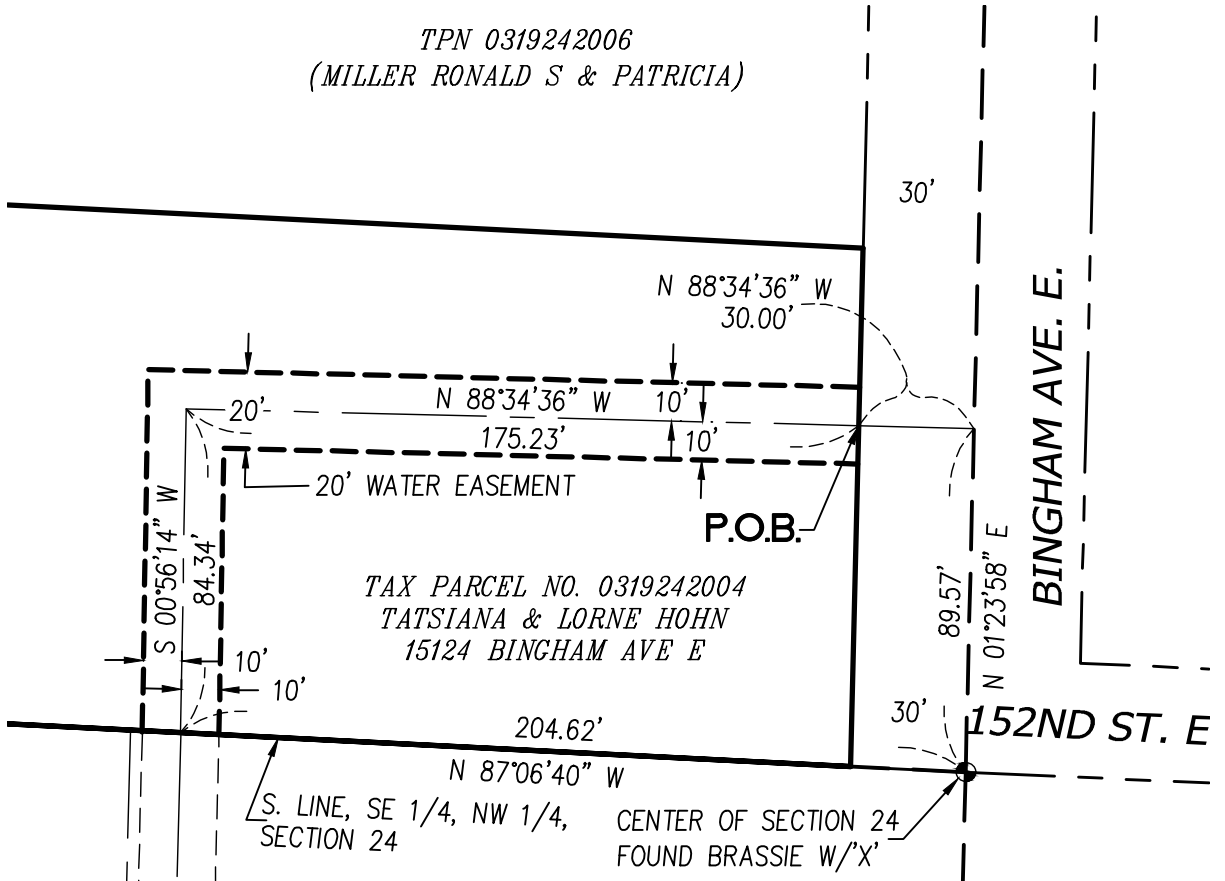


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EXHIBIT B
20.00' WIDE WATER EASEMENT
TAX LOT NO. 0319242004

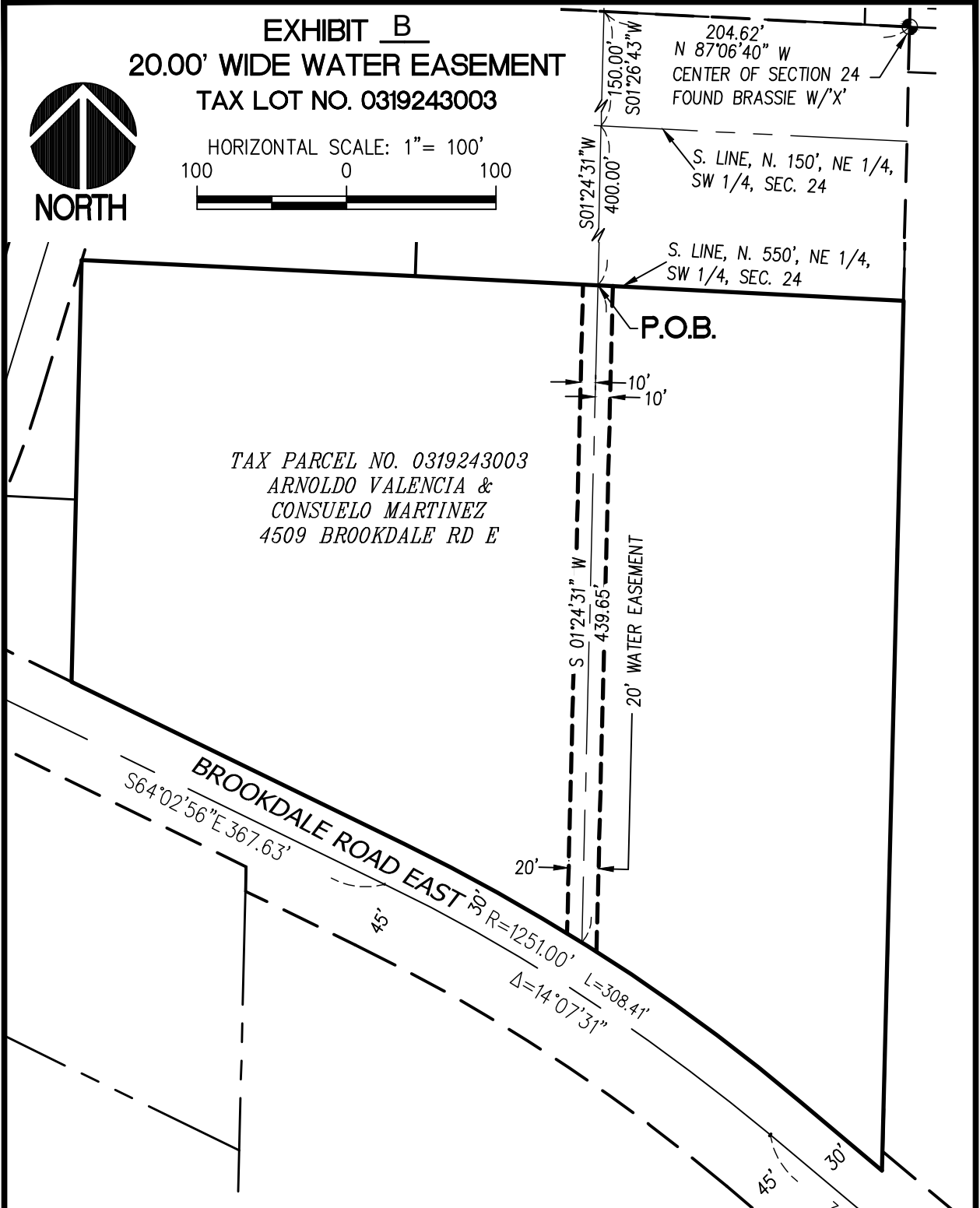
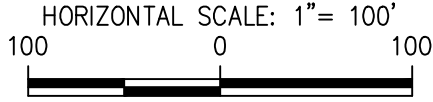


TPN 0319242006
(MILLER RONALD S & PATRICIA)



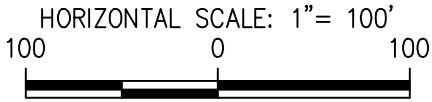
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EXHIBIT B
20.00' WIDE WATER EASEMENT
TAX LOT NO. 0319243003



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| <p>SHEET TITLE</p> <p>EXHIBIT B WATER EASEMENT TAX LOT NO. 0319243003</p> | <p>PREPARED BY</p> <p align="center">sh sitts & hill</p> <p align="center">CIVIL ■ STRUCTURAL ■ SURVEYING 4815 CENTER STREET TACOMA, WA. 98409 PHONE: (253) 474-9449 WWW.SITSHILL.COM</p> | <p>SHEET</p> <p>PROJECT NO.</p> <p align="center">19004</p> |
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EXHIBIT B
20.00' WIDE WATER EASEMENT
TAX LOT NO. 0319243004



BINGHAM AVE

30' 152ND ST E

N 87°06'40" W
204.62'

CENTER OF SECTION 24
FOUND BRASSIE W/'X'

TAX PARCEL NO. 0319243005
DONALD R & LINDA M LEONARD
4524 152ND ST E

S. LINE, N. 150', NE 1/4,
SW 1/4, SEC. 24

P.O.B.

TAX PARCEL NO. 0319243004
DONALD R & LINDA M LEONARD
4524 152ND ST E

S 01°26'43" W
150.00'

S 01°24'31" W
400.00'

20' WATER EASEMENT

S. LINE, N. 550', NE 1/4,
SW 1/4, SEC. 24

TAX PARCEL NO. 0319243003
ARNOLDO VALENCIA &
CONSUELO MARTINEZ
4509 BROOKDALE RD E

SHEET TITLE

PREPARED BY

SHEET

EXHIBIT B
WATER EASEMENT
TAX LOT NO. 0319243004



CIVIL ■ STRUCTURAL ■ SURVEYING
 4815 CENTER STREET TACOMA, WA. 98409
 PHONE: (253) 474-9449 WWW.SITSHILL.COM

PROJECT NO.
19004