ORDINANCE NO. 20-0571

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EDGECOOD, PIERCE COUNTY, WASHINGTON, AFFIRMING THE ACCEPTANCE OF THE DONATION OF LAND, PIERCE COUNTY TAX PARCEL NUMBERS 042002-0421 AND 042002-4054, LOCATED NORTHWEST OF 16TH STREET EAST AND WEST VALLEY HIGHWAY IN EDGECOOD AND AUTHORIZING THE MAYOR TO EXECUTE SUCH DOCUMENTS REQUIRED TO COMPLETE THE LAND TRANSFER TO THE CITY; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Litowitz Family approached the Mayor expressing interest in donating real property to the City located northwest of 16th Street East and West Valley Highway, specifically Pierce County Tax Parcel Numbers 042002-4021 and 042002-4054; and

WHEREAS, the City Council acknowledged interest in the proposed donation of land with the passage of Resolution 19-0476 at their regular meeting on October 8, 2019, pending an environmental review of the property; and

WHEREAS, a Phase Two Environmental Review was provided by the Litowitz Family to city staff on November 12, 2019, recommending removal of remnant vehicles and debris on the property to prevent potential soil impacts; and

WHEREAS, Junk Vehicle Affidavits were processed on December 13, 2019, with removal of said vehicles and debris by the Litowitz Family occurring shortly thereafter; and

WHEREAS, the City Council considered the results of the Phase Two Environmental Review, which does not identify any hidden environmental risk on the property, at their January 21, 2020 study session; and

WHEREAS, Council considered staff’s review of the slope, surface water and woodland aspect of the property noting potential for adding open space with minimal cost to the City other than to restrict the kinds of access that may contribute to dumping; and

WHEREAS, RCW 35.21.100 authorizes cities to accept donated property by ordinance and to carry out the terms of the donation, if any; and

WHEREAS, no terms or conditions are attached to the donation, and the City may therefore use the property for any municipal purpose;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EDGECOOD, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Acceptance of Land Donation. The City Council hereby accepts the donation of land located northwest of 16th Street East and West Valley Highway, specifically Pierce County
Tax Parcel Numbers 042002-4021 and 042002-4054, and again thanks the Litowitz Family for their generous donation.

Section 2. Form and Costs. The City Council hereby authorizes the Mayor to execute a deed for said land donation, in a form approved by the City Attorney, including payment of any miscellaneous costs for recording of said deed.

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 4. Effective Date. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after publication, as provided by law. The full text of this Ordinance shall be mailed without charge, upon request.

PASSED BY THE CITY COUNCIL ON THE 28TH DAY OF JANUARY, 2020

Mayor Daryl Eidinger

ATTEST/AUTHENTICATED:

Rachel Pittzel, CMC
City Clerk

APPROVED AS TO FORM:

Interim City Attorney, Ann Marie J. Soto

Date of Publication: January 30, 2020
Effective Date: February 5, 2020