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SUPERIOR COURT OF WASHINGTON FOR \_\_\_\_\_ COUNTY

IN THE MATTER OF THE PETITION OF THE  
CITY OF \_\_\_\_\_ TO ACQUIRE BY  
CONDEMNATION CERTAIN REAL  
PROPERTY FOR PUBLIC USE AS  
AUTHORIZED BY ORDINANCE NO. \_\_\_\_\_

[*In re City of* \_\_\_\_\_ *- Parcel* \_\_\_\_\_]

Honorable \_\_\_\_\_

No. \_\_\_\_\_

ORDER ADJUDICATING PUBLIC USE  
AND NECESSITY

**Hearing Date:** \_\_\_\_\_

1. This matter came on before the undersigned Judge of the above-entitled court on the request by the City of \_\_\_\_\_ (“City”) for an Order declaring that the use for which City is acquiring property and property rights in this case is a public use and that the acquisition of the property sought by City is necessary for and required by that public use; *i.e.*, acquisition of real property to allow for the construction, operation and maintenance of the \_\_\_\_\_.

2. City is a Washington municipal corporation, duly organized and existing under Title \_\_\_ RCW, and is authorized by the laws of the State of Washington, and specifically by \_\_\_\_\_ and Chapter 8.12 RCW, to condemn land and property rights within and without the limits of the City for the purposes stated in the Petition for Condemnation herein (“Petition”).

3. City is represented by \_\_\_\_\_ of \_\_\_\_\_. Respondents \_\_\_\_\_ are represented by \_\_\_\_\_ of \_\_\_\_\_.

1           4.       Respondents are the fee owners of the land, property and property rights that are  
2 the subject of this condemnation action.

3           5.       On or about \_\_\_\_\_, the City adopted its Ordinance No. \_\_\_\_\_ (“Ordinance”), a  
4 copy of which is attached as Exhibit A to the Petition and is incorporated herein by this  
5 reference. The Ordinance authorizes and provides for the condemnation of property rights for  
6 the construction and maintenance of the \_\_\_\_\_ and related \_\_\_\_\_  
7 facilities, including the property sought in this action.

8           6.       On \_\_\_\_\_, this Court entered a Stipulation and Order Related to Public  
9 Use and Necessity and for Preliminary Possession and Use between City and Respondents.  
10 That order adjudged and decreed that the following interests in the Property are being acquired  
11 by City for a public use, and are necessary for and required by that purpose:

12                   (a) A fee interest in and permanent ownership of that portion of the Property  
13 finally determined by the court to be needed for the construction of the \_\_\_\_\_; and

14                   (b) The right to use and occupy the entire Property until completion of  
15 construction and demobilization for purposes of construction, construction staging and other use  
16 by the City for the \_\_\_\_\_.

17           7.       The land, property and property rights that City seeks to and is authorized to  
18 condemn, and in which Respondents may hold an interest, is identified as \_\_\_\_\_ County Tax  
19 Parcel \_\_\_\_\_, and is legally described in Exhibit A to the Petition (“Property”).

20           9.       City has determined that the construction of the \_\_\_\_\_ will serve a  
21 public purpose, is necessary for the public interest, and that the Property is necessary for and  
22 required by this purpose, namely constructing, operating, and maintaining a portion of the  
23 \_\_\_\_\_.

24           10.      There was no fraud, actual or constructive, by City.

25           11.      This Court has jurisdiction of the parties and the subject matter of this action.  
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HAVING CONSIDERED the testimony and exhibits, the briefing and opposition to public use and necessity, the argument of the parties, and the records and files in this matter and deeming itself otherwise fully advised, the Court enters the following ORDER:

12. ORDER ON PUBLIC USE AND NECESSITY

12.1 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the use for which the Property is sought to be taken, is a public use.

12.2 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Property is acquired in the public interest, and the Property is necessary and required for the public use.

SO ORDERED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
HONORABLE \_\_\_\_\_

Presented By:

\_\_\_\_\_