ORDINANCE NO. 2012-008

AN ORDINANCE of the City of Kent, Washington, providing for the laying off, opening, widening and establishing of portions of Southeast 260th Street between 104th Avenue Southeast and 108th Avenue Southeast in the City of Kent, all as a part of the LID 308 project; providing for the condemnation, appropriation, taking and damaging of land and other property rights necessary therefor, including property and property rights necessary for cut and fill slopes on certain abutting properties; providing payment therefore. [LID 308 - Southeast 260th Street.]

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. That public convenience, use and necessity demand that Southeast 260th Street be and the same is hereby laid off, opened, widened and established over and across the following described real property in King County, Washington, to wit:

Beginning at a point in the South line of the Northeast quarter of the Northwest quarter of Section 29, Township 22 North, Range 5 East W.M., in King County, Washington which point is 808 feet East from the Southwest corner of the Northeast quarter of the Northwest quarter of said section; running thence East along the South line of said 40 acre tract, 146 feet, more or less, to a point which is 288 feet West from the Southeast corner of said 40 acre tract; thence North parallel with the West line of said 40 acre tract, 859 feet, more or less, to the center of the County Road known as the Kent-Black Diamond Road; thence Northwesterly along the centerline of said road to a point which is 808 feet East of the West boundary line of said 40 acre tract; thence South in a straight line to the point of beginning; EXCEPT that portion conveyed to the City of Kent by deed recorded under Recording Number 8210120140 for Kent-Kangley (SR 516) Highway.

AND ALSO:

The South 130 feet of the East 160 feet of the Northeast quarter of the Northwest quarter of Section 29, Township 22 North, Range 5 East, W.M. in King County, Washington; EXCEPT the East 30 feet for road.
Section 2. That in the laying off, opening widening and establishing of Southeast 260th Street between 104th Avenue Southeast and 108th Avenue Southeast, the City shall acquire the fee interest in the following described property in King County, Washington, to-wit:

The South 30 feet of the following described property: Beginning at a point in the South line of the Northeast quarter of the Northwest quarter of Section 29, Township 22 North, Range 5 East, W.M., in King County, Washington which point is 808 feet East from the Southwest corner of the Northeast quarter of the Northwest quarter of said section; running thence East along the South line of said 40 acre tract, 146 feet, more or less, to a point which is 288 feet West from the Southeast corner of said 40 acre tract, thence North parallel with the West line of said 40 acre tract, 859 feet, more or less, to the center of the County Road known as the Kent-Black Diamond Road; thence Northwesterly along the centerline of said road to a point which is 808 feet East of the West boundary line of said 40 acre tract; thence south in a straight line to the point of beginning; EXCEPT that portion conveyed to the City of Kent by deed recorded under Recording Number 8210120140 for Kent-Kangley (SR 516) Highway.

AND ALSO;

That portion of the South 130 feet of the East 160 feet of the Northeast quarter of the Northwest quarter of Section 29, Township 22 North, Range 5 East, W.M., in King County, Washington; EXCEPT the East 30 feet for 108th Avenue S.E. described as follows: Beginning at the Southwest corner of said subdivision; thence N 0°20'40.4" W a distance of 30.01 feet to the True Point of Beginning; thence S 89°00'17.7" E a distance of 106.46 feet to a point on a curve to the left having a radius of 23 feet; thence Northeasterly along the arc of said curve through a central angle of 91°20'22.7" an arc distance of 36.66 feet to a point on the Westerly margin of 108th Avenue S.E.; thence Southerly along the Westerly margin thereof a distance of 53.55 feet to a point on the South line of the Northeast quarter of the Northwest quarter of said Section; thence N 09°00'17.7" W along the South line thereof a distance of 130 feet; thence N 0°20'40.4" W a distance of 30.01 feet to the True Point of Beginning.
The City shall also acquire the right in the case of a cut to remove the lateral support of the property abutting upon said street. In every case the right to remove said lateral support shall include the right to carry the slopes back into and extending upon the real property three (3) feet horizontally for each foot of depth of cut, and in the case of fills, the right shall be acquired to extend and maintain upon the abutting real property slopes of three (3) feet horizontally for each foot of elevation of fill for the purpose of providing lateral support for said street, reserving unto the abutting property owners, respectively, the right at any time to replace said cut slopes and to remove said fill slopes upon providing and maintaining other adequate lateral support for said street.

Section 3. That all lands, rights, privileges and other property lying within the limits of the lots, blocks and tracts of land described in Sections 1 and 2 hereof are hereby condemned, appropriated, taken and damaged for the purpose of a public street; and lands, rights, privileges and other property necessary to be taken, used or damaged in the grading of Southeast 260th Street and in the construction of necessary slopes for cuts and fills on the real property abutting upon said street, as set forth in Section 2 hereof, are hereby condemned, appropriated, taken and damaged for the public use of such purpose, 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 the manner provided by law.

Section 4. That the entire cost of the improvement provided for by this ordinance shall be paid from the LID 308 Fund, or from such general funds of the City of Kent as may be provided by law.

Section 5. That the City Attorney be and he is 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.

Section 6. That in conducting said condemnation proceedings, 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.

ATTEST:

MARIE JENSEN, CITY CLERK

APPROVED AS TO FORM:

P. STEPHEN DIJULIO, CITY ATTORNEY

PASSED the ___ day of ___, 1983.
APPROVED the ___ day of ___, 1983.
PUBLISHED the ___ day of ___, 1983.

I hereby certify that this is a true copy of Ordinance No. ___/___, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

MARIE JENSEN, CITY CLERK
(SEAL)