ORDINANCE NO. 2435

AN ORDINANCE of the City of Kent, Washington, providing for the laying off, opening, and widening of portions of Central Avenue and James Street in the City of Kent; 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. [James and Central intersection improvement.]

THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDEIN AS FOLLOWS:

Section 1. The public convenience, use and necessity demand that James Street and Central Avenue in the City of Kent be and the same are hereby laid off, opened, and widened over and across the following described real property in King County, Washington, to wit:

Blocks 1 through 7 inclusive, together with vacated streets and alleys adjoining; all within McMillin's Addition to Kent, Volume 7 of Plats, Page 58, records of King County, Washington; Except any portion thereof conveyed for public right-of-way.

Section 2. That in laying off, opening and widening of James Street and Central Avenue, the City shall acquire the fee interest for street purposes in the following described property in King County, Washington, to wit:

That portion of Blocks 6 and 7, McMillin's Addition to Kent, Volume 7 of Plats, Page 58, records of King County, Washington, lying Westerly of the following described line: beginning at a point on the West line of said Block 6 which lies 71.60 feet South of the Northwest corner thereof being the true point of beginning of line herein described; thence North 8° 54' 54" West, a distance of 84.85 feet; thence North 0° 47' 05" East, a distance of 75.00 feet to a point on a curve to the right; thence on said curve to the right with a radius of 45.00 feet, an arc distance of 71.17 feet and the terminus of line herein described.

The City shall also acquire the right in the case of a cut to remove the lateral support of the property abutting upon said streets. 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 James Street and Central Avenue 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 General Fund or such other funds of the City of Kent as may be provided by law.

Section 5. 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. 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.

ISABEL HOGAN, MAYOR

ATTEST:

BETTY GRAY, DEPUTY CITY CLERK

APPROVED AS TO FORM:

P. STEPHEN DIJULIO, CITY ATTORNEY

PASSED the 7th day of November, 1983.
APPROVED the 8th day of November, 1983.
PUBLISHED the 11th day of November, 1983.

I hereby certify that this is a true copy of Ordinance No. 2435, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

BETTY GRAY (SEAL)
BETTY GRAY, DEPUTY CITY CLERK

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