ORDINANCE NO. 2443

AN ORDINANCE granting to the Church of Jesus Christ of Latter Day Saints an easement for an irrigation pump, and appurtenances thereto, over certain property north of the South 212th Street bridge at the Green River.

WHEREAS, the Church of Jesus Christ of Latter Day Saints has donated property to the City of Kent; and

WHEREAS, said donation of property failed to reserve an easement for the irrigation system for the church's farm; and

WHEREAS, it being the intent of the City not to interfere with the continued use of said irrigation system; NOW, THEREFORE,

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

Section 1. The City of Kent does hereby grant an easement for an irrigation pump and appurtenances thereto over, through, across, and upon the following described property situated in King County, Washington, more particularly described as follows:

The North 60.00 feet of the South 300.00 feet of that portion of Government Lot No. 6 in Section 11, Township 22 North, Range 4, EWM, lying North of South 212th Street bridge, lying West of the West bank of the Green River and lying East of East right-of-way margin of Frager Road.

Section 2. The Mayor is authorized on behalf of the City of Kent to execute an easement substantially in the form attached hereto as Appendix A.

Section 3. 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:

Marie Jensen, City Clerk

APPROVED AS TO FORM:

P. Stephen DiJulio, City Attorney

PASSED the 21 day of Nov., 1983.
APPROVED the 22 day of Nov., 1983.
PUBLISHED the 23 day of Nov., 1983.

I hereby certify that this is a true copy of Ordinance No. 24, 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

0193B-183A - 2 -
EASEMENT

THIS INSTRUMENT made this ___ day of ____________ 19 ______, by and between City of Kent, a municipal corporation, hereinafter called Grantors and The Church of Jesus Christ Latter Day Saints of Salt Lake County, in the State of Utah, hereinafter called Grantee:

WITNESSETH:

That said Grantors for and in consideration of ____________ Mutual Benefits Derived do by these presents convey unto the said Grantee an easement for Irrigation Pump and Appurtenances Thereto over, through, across and upon the following described property situated in King County, Washington more particularly described as follows:

The north 60.00 feet of the south 300.00 feet of that portion of Government Lot #6 in Section 11, Township 22 north, Range 4 EWM, lying north of the South 212th Street Bridge, lying west of the west bank of the Green River and lying east of the east right of way margin of Frager Road.

Distances provided by Grantee and has been found acceptable by the City of Kent Parks Director.

Approved by the Kent City Council on the ___ day of ____________, 1983.

The said Grantee shall have the right to enter upon said property for the purpose of repairing said Pump without incurring any legal obligations or
liability therefore; provided that such repairing of said Pump shall be accomplished in such a manner that the private improvements existing on this property shall not be disturbed or destroyed, or in the event they are disturbed or destroyed, they will be replaced in as good a condition as they were immediately before the property was entered upon by the Grantee.

The Grantor shall retain the right to use the surface of said easement so long as said use does not interfere with the Said Pump.

The use granted herein shall be non-assignable and should any and/or all the rights herein granted be abandoned, then the right and/or rights abandoned shall become null and void and revert back to the Grantor.

STATE OF WASHINGTON)
COUNTY OF KING }

On this______ day of___________, 19______, before me the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Isabel Hogan and Marie Jensen, to me known to be the Mayor and City Clerk of said corporation, THE corporation that executed the foregoing instrument and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, and for the uses and purposes therein mentioned, and on oath stated that they were authorized to execute the said instrument and that the seal affixed is the corporate seal of said corporation.

WITNESS my hand and official seal hereto affixed the day and year first above written.

Notary Public in and for the State of Washington, residing at_________________