AN ORDINANCE of the City of Kent, Washington, providing for the laying off, opening and widening of portions of East Smith Street (Canyon Drive/State Route 516) between Hazel Avenue and Jason Avenue/East Titus in the City of Kent, all as a part of the Smith and Jason intersection improvements. [Smith and Jason Intersection Improvements.]

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

Section 1. That public convenience, use and necessity demand that East Smith Street (Canyon Drive/State Route 516) 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:

1.1 That portion of Government Lot 1, Section 19, Township 22 North, Range 5 East, W.M., in King County, Washington, described as follows:

Beginning at the intersection of the northerly line of Smith Street with the easterly line of Jason Avenue in the City of Kent; thence northerly along said easterly line 65 feet; thence easterly, parallel with Temperance Street, 110 feet to the westerly line of a strip of land deeded to the City of Kent for alley and highway by deed recorded under Recording Number 3059986, in King County, Washington; thence southerly on said westerly line to the northeast line of Smith Street; thence along said northerly line westerly to the point of beginning.

1.2 That portion of the following described tract lying westerly of a line 135 feet east of and parallel to the east line of an alley in the City of Kent as established by Ordinance No. 698 and recorded in Volume 1857 of deeds, page 285 under Recording No. 3059989, in King County, Washington; That portion of Government Lot 1, Section 19, Township 22 North, Range 5 East, W.M., in King County, Washington; described as follows:

Beginning at the intersection of the northerly line of Smith Street in the City of Kent, as now established, with the center line of
vacated Calhoun Way;
therefore easterly along the northerly line of
Smith Street to an intersection with a line
parallel with and 120 feet west from the west
line of Hazel Street, as now established;
therefore north along said parallel line 231 feet,
more or less, to an intersection with a line
parallel with and 140 feet south of the center
line of Temperance Street as now established;
therefore west along said parallel line to the
center line of vacated Calhoun Way;
therefore south along said center line to the
point of beginning.

1.3 That portion of Government Lot 1,
Section 19, Township 22 North, Range 5 East,
W.M., in King County, Washington, described as
follows:

Beginning at the intersection of the northerly
line of Smith Street, in the City of Kent, as
now established, with the center line of
vacated Calhoun Way;
therefore easterly along the northerly line of
Smith Street to an intersection with a line
parallel with and 120 feet west from the west
line of Hazel Street as now established;
therefore north along said parallel line 231 feet,
more or less, to an intersection with a line
parallel with and 140 feet south of the center
line of Temperance Street as now established;
therefore west along said parallel line to the
center line of vacated Calhoun Way;
therefore south along said center line to the
point of beginning;

EXCEPT that portion thereof lying westerly of a
line 135 feet east of and parallel to the east
line of an alley in the City of Kent as estab­
lished by Ordinance No. 698 and recorded in
Volume 1857 of deeds, page 285, under Recording
No. 3059989, in King County, Washington.

Section 2. That in the laying off, opening and widening
of East Smith Street, the City shall acquire the fee interest in
the following described property in King County, Washington,
to-wit:

2.1 That portion of Government Lot No. 1
in Section 19, Township 22 North, Range 5 East,
W.M. in King County, Washington, described as
follows: Beginning at the intersection of the
north margin of East Smith Street and the east
margin of Jason Avenue being the True Point of
Beginning of property herein described; thence
east along said north margin 111.58 feet to a
point on the west line of that certain alley
deeded to the City of Kent under King County
auditor file No. 3059986; thence north along
said west line a distance of 14.18 feet; thence
west parallel with said north margin a distance of 60.98 feet to a point on a curve to the left with a radius of 1188.00 feet; thence along said curve to the left an arc distance of 18.40 feet; thence west parallel with said north margin a distance of 10.00 feet to a point on a curve to the right with a radius of 26.00 feet thence on said curve to the right an arc distance of 37.00 feet to a point on said east margin; thence south along said east margin a distance of 35.76 feet to the True Point of Beginning.

Containing 1634.16 square feet.

2.2 That portion of Government Lot 1 in Section 19 Township 22 North Range 5 East W.M. in King County, Washington described as follows. Beginning at a point of intersection with the north margin of E. Smith Street and the east line of that certain alley deeded to City of Kent under King County Auditor File #3059986; thence north along said east line a distance of 12.18 feet being the True Point of Beginning; thence east parallel with said north margin a distance of 62.08 feet; thence S 79°11'38" E a distance of 75.40 feet to a point which lies 135.00 feet east of when measured at right angles to said east alley line. Thence south parallel with said east alley line a distance of 9.57 feet to a point on said north margin. Thence easterly along said north margin 137.02 feet to a point on said east line; thence northerly along said east line 12.18 feet to the True Point of Beginning.

Containing 1522.59 square feet.

2.3 That portion of Government Lot 1 in Northwest quarter Section 19 Township 22 N Range 5 E W.M. King County, WA.,. Beginning at a point of intersection with this north margin of E. Smith Street and a line which lies 135.00 feet east of and parallel to the east line of an alley as conveyed under King County Auditors File #3059989. Thence north parallel with said east line a distance of 11.60 feet to the True point of Beginning of property herein described; thence S 77°17'05" E a distance of 31.98 feet; thence south parallel with said east line a distance of 2.00 feet; thence S 77°17'05" E a distance of 113.22 feet more or less to a point which lies 120.00 feet west of when measured at right angles to Hazel Street as it now exists; thence south parallel with said street 4.77 feet to a point on said north margin; thence east along said north margin a distance of 145.14 feet to said point of intersection; thence north parallel with said east line 11.60 feet to the True Point of Beginning.
Containing 936.77 square feet.

2.4 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 real property three 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 feet horizontally for each foot of elevation or 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 on providing and maintaining other adequate lateral support for said street.

Section 3. That in the laying off, opening and widening of East Smith Street, the City shall acquire necessary construction easements in the following described property in King County, Washington, to wit:

3.1 That portion of Government Lot No. 1 in Section 19, Township 22 North, Range 5 East, W.M. in King County, Washington described as follows. Beginning at the intersection of the north margin of E. Smith Street and the east margin of Jason Avenue; thence east along said north margin 111.58 feet to a point on the west line of that certain alley deeded to the City of Kent under King County auditor file No. 3059986; thence north along said west line a distance of 14.18 feet being the True Point of Beginning of property herein described; thence west parallel with said north margin a distance of 60.98 feet to a point on a curve to the left with a radius of 1188.00 feet; thence along said curve to the left an arc distance of 18.40 feet thence N 0°57'39" E a distance of 3.00 feet thence easterly parallel with said north margin a distance of 79.00 feet more or less to a point on said west alley line; thence southerly 3.00 feet more or less along said west alley line to True Point of Beginning.

Containing 238.14 square feet.

3.2 That portion of Government Lot 1 in Section 19 Township 22 North, Range 5 East W.M. in King County, Washington described as follows. Beginning at a point of intersection with the north margin of E. Smith Street and the east line of that certain alley deeded to
City of Kent under King County Auditor File #3059986; thence north along said east line a distance of 12.18 feet being the True Point of Beginning. Thence east parallel with said north margin a distance of 62.08 feet; thence S 79°11'38" E a distance of 75.40 feet more or less to a point which lies 135.00 feet east of when measured at right angle to said east alley line; thence north parallel with said east alley line a distance of 5.00 feet; thence S 77°17'05" E a distance of 75.40 feet; thence easterly parallel with said north margin 62.08 feet more or less to a point on said east alley line; thence south along east line 5.00 feet more or less to the True Point of Beginning.

3.3 That portion of Government Lot 1 in Northwest quarter Section 19 Township 22 N Range 5 E W.M. King Co., WA. Beginning at a point of intersection with the north margin of E. Smith St. and a line which lies 135.00 feet east of and parallel to the east line of an alley as conveyed under King County auditors file #3059989; thence north parallel with said east line a distance of 11.60 feet to the True Point of Beginning of property herein described; thence S 77°17'05" E a distance of 31.98 ft; thence south parallel with said east line a distance of 2.00 feet; thence S 77°17'05" E a distance of 113.22 feet more or less to a point which lies 120.00 feet west of when measured at right angles to Hazel Street as it now exists; thence north parallel with said street a distance of 5.00 feet; thence east parallel with said north margin a distance of 108.22 feet; thence north parallel with said east line a distance of 2.00 feet; thence west a distance of 36.98 feet more or less to a point on said east line; thence south parallel with said east line a distance of 5.00 feet to the True Point of Beginning.

Containing 726 square feet.

Section 4. 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 East Smith Street and in the construction of necessary slopes for cuts and fills on the real property abutting upon said street, as set forth in Sections 2 and 3 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
Section 5. That the entire cost of the acquisitions 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 6. 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 7. That in conducting said condemnation proceedings, the City Attorney is hereby authorized to enter into stipulations for the purpose of minimizing damages.

Section 8. 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:

[Signature]
MARIE JENSEN, CITY CLERK

APPROVED AS TO FORM:

[Signature]
P. STEPHEN DIJULIO, CITY ATTORNEY

PASSED the ______ day of ______ , 198---.
APPROVED the ______ day of ______ , 198---.
PUBLISHED the ______ day of ______ , 198---.
I hereby certify that this is a true copy of Ordinance No. 2453, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

[Signature]
MARIE JENSEN, CITY CLERK