ORDINANCE NO. 2968

AN ORDINANCE of the City of Kent, Washington, providing for the acquisition of an easement for street purposes over certain properties in order to improve, alter and widen the intersection of 104th Avenue Southeast and Southeast 256th Street; providing for the payment thereof out of any of the City's Capital Improvement Funds; and providing for the condemnation of such property rights as necessary therefor; said properties located within Sections 20 and 29, Township 22 North, Range 5 East, W.M., in King County, Washington.

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

Section 1. The City of Kent ("City") authorizes the acquisition by condemnation of three parcels of real property, Parcel Nos. 101487, 118241, and 119582, together with all rights, privileges and other property pertaining thereto, all located in King County, Washington and legally described in Exhibits A through C, which are attached hereto and incorporated herein by this reference (hereinafter, the "Properties").

Section 2. The public convenience, use and necessity demand that the City condemn, appropriate, take and damage the Properties for street purposes, which purposes shall include all acts necessary to complete the improvement, alteration and widening of the intersection of 104th Avenue Southeast and Southeast 256th Street, including improvements for drainage, curbs and gutters, sidewalks, landscaping, illumination, signal improvements, electrical facilities, utility adjustments and
relocations, and any other street or municipal purposes that may become necessary from time to time on the Properties.

Section 3. The City shall condemn the Properties only after just compensation has first been made or paid into court for the owner or owners in the manner prescribed by law.

Section 4. The City shall pay for the entire cost of the acquisition by condemnation provided for in this Ordinance from the City's Capital Improvement Funds or, if necessary, any of the City’s general funds, as may be provided by law.

Section 5. The City authorizes and directs the City Attorney to commence those proceedings provided by law that are necessary to condemn the Properties. In conducting the condemnation proceedings, the City authorizes the City Attorney to enter into stipulations in order to minimize damages, which stipulations may include, but not be limited to, size and dimensions of the Properties, construction easements and other property interests.

Section 6. Any acts consistent with the authority and prior to the effective date of this Ordinance and ratified and confirmed.

Section 7. This Ordinance shall take effect and be in force thirty (30) days from and after its passage, approval and publication as provided by law.

[Signature]

DAN KELLEHER, MAYOR

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I hereby certify that this is a true copy of Ordinance No. 2968, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.
That portion of the west half of the southeast quarter of the southwest quarter of Section 20, Township 22 North, Range 5 East, W.M., in King County, Washington, described as follows:

"A"

Beginning at the brass cap monument marking the southwest corner of said subdivision;
thenence south 88°38'00" east along the southerly line of said subdivision 220.03 feet;
thenence north 2°14'39" east parallel to the westerly line of said subdivision 30 feet to the northerly margin of Southeast 256th Street and the TRUE POINT OF BEGINNING;
thenence continuing north 2°14'39" east 180.02 feet;
thenence south 88°38'00" west 170.02 feet to the easterly margin of 104th Avenue Southeast, as established by deeds to King County recorded under Recording Numbers 5321324 and 5321325;
thenence north 2°14'39" east along said margin 393.23 feet;
thenence south 88°17'32" east 445.02 feet;
thenence south 2°14'39" west 570.60 feet to the northerly margin of Southeast 256th Street;
thenence north 88°38'00" west 275.03 feet to the TRUE POINT OF BEGINNING.

EXCEPT the south 10 feet thereof conveyed to the City of Kent for street, utility, drainage and municipal purposes by Deeds recorded under Recording Numbers 7910160761, 7910160762, and 8903170100; AND EXCEPT that portion thereof described as follows:

Commencing at the southwest corner of said southeast quarter of the southwest quarter of said Section 20;
thenence north 02°14'39" east 391 feet;
thenence north 88°38'00" east 50 feet to the TRUE POINT OF BEGINNING;
thenence continuing north 02°14'39" east 100 feet;
thenence south 88°38'00" east 190.31 feet;
thenence south 02°14'39" west 100 feet;
thenence north 88°38'00" west 190.31 feet to the TRUE POINT OF BEGINNING.

The north 215 feet of the west 260 feet of the northeast quarter of the northwest quarter of the northwest quarter of Section 29, Township 22 North, Range 5 East, W.M., in King County, Washington; EXCEPT those portions thereof conveyed to the City of Kent for road purposes by deeds recorded under Recording Numbers 2282911, 2739765, 4298129, 7211290093, 7211290094, 7708170759 and 8110270054.

"C"

That portion of the southeast quarter of the southwest quarter of Section 20, Township 22 North, Range 5 East, W.M., in King County, Washington, described as follows:

Beginning at the intersection of the northerly margin of the Kent-Black Diamond Road (Secondary State Highway No. 5A) with the westerly margin of the Kent-Renton Road (Secondary State Highway No. 5C) which point is 30 feet north and 30 feet west of the southeast corner of said subdivision;
thenence northerly along the westerly margin of said Kent-Renton Road, a distance of 120 feet;
thenence westerly parallel to the northerly margin of said Kent-Black Diamond Road, a distance of 120 feet;
thenence southerly parallel to said Kent-Renton Road a distance of 120 feet to an intersection with the northerly margin of the Kent-Black Diamond Road;
thenence easterly along the said northerly margin to the POINT OF BEGINNING.

EXCEPT for that portion taken by the City of Kent, a municipal corporation, acquired by right of condemnation for improving and widening Southeast 256th Street, pursuant to that certain Amended Stipulated Judgment and Decree of Appropriation as to Parcel 7, Cause Number 758953 in the Superior Court of King County, Washington, dated in open court April 25, 1973;