ORDINANCE NO. 3161

AN ORDINANCE of the City of Kent, Washington, providing for the acquisition of a permanent easement for storm drainage purposes over certain property in order to improve, alter, install, operate and maintain a storm drainage system for Upper Garrison Creek, which property is generally located along Upper Garrison Creek in the area northwest of the intersection of South 236th Street and 100th Avenue SE and also along Upper Garrison Creek between 112th Avenue SE and 104th Avenue SE; providing for the payment thereof from the City's Safeway Storm Drainage Fund (Project # 91-3018/D-37); and providing for the condemnation of such property rights as necessary therefor; all of said properties located within King County, Washington. (Garrison Creek Condemnation)

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

Section 1. The City of Kent ("City") authorizes the acquisition by condemnation of all or a portion of several parcels of real property, all located in King County, Washington for the City's Upper Garrison Creek storm drainage system. The properties designated for condemnation are located generally along Upper Garrison Creek in the area northwest of the intersection of South 236th Street and 100th Avenue SE and also along Upper Garrison Creek between 112th Avenue SE and 104th Avenue SE and are legally described in Exhibit A, which is attached hereto and incorporated herein by this reference (hereinafter, the "Properties").
Section 2. The public convenience, use and necessity demand that the City condemn the Properties in order to acquire an easement for storm drainage purposes, which purposes shall include all acts necessary or that may, from time to time, become necessary to complete the improvement, alteration, installation, operation and maintenance of said storm drainage system.

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 through the City's Safeway Storm Drainage Fund (Project No. 91-3018/D-37), or from any of the City's general funds, if necessary, 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 Property condemned, construction easements and other property interests.

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

Section 7. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstances shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.
Section 8. This Ordinance shall take effect and be in force thirty (30) days from and after its passage, approval and publication as provided by law.

Judy Wood
JIM WHITE, MAYOR PRO TEM

ATTEST:

Brenda Jacober
BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

Roger A. Lubovich, CITY ATTORNEY
by Thomas C. Brubaker, Ass't.

PASSED the 5th day of April, 1994.
APPROVED the 6th day of April, 1994.
PUBLISHED the 8th day of April, 1994.

I hereby certify that this is a true and correct copy of Ordinance No. 3/61, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent hereon indicated.

Brenda Jacober
BRENDA JACOBER, CITY CLERK
The north 40.00 feet of the east 208.21 feet of the following described property:

The south half of the southeast quarter of the northeast quarter of the southeast quarter of Section 18, Township 22 North, Range 5 East, W.M., in King County, Washington;
EXCEPT the east 121 feet of the west 436 feet of the south 130 feet thereof;
AND EXCEPT the west 315 feet thereof;
AND EXCEPT the south 30 feet as conveyed to King County for road purposes by deed recorded under Recording Number 6085509;
AND EXCEPT the west 10 feet of the east 30 feet as conveyed to King County for road purposes by deed recorded under Recording Number 5036381;
AND EXCEPT any portion thereof lying within 100th Avenue Southeast.

TOGETHER WITH A TEMPORARY CONSTRUCTION EASEMENT 5.00 feet wide adjacent to the west and south lines of the above described property
AND
A strip of land 30.00 feet in width lying within a portion of the following described property.

The east half of the north half of the north half of the southeast quarter of the northeast quarter of the southeast quarter of Section 18, Township 22 North, Range 5 East, W.M., in King County, Washington; EXCEPT the east 30 feet as conveyed to King County for road purposes by deed recorded under Recording Number 6085509; AND EXCEPT the west 10 feet of the east 30 feet as conveyed to King County for road purposes by deed recorded under Recording Number 5036381; AND EXCEPT any portion thereof lying within 100th Avenue Southeast.

FIND ALSO
That portion of the east half of the south half of the south half of the north half of the southeast quarter of the northeast quarter of the southeast quarter of Section 18, Township 22 North, Range 5 East, W.M., in King County, Washington; EXCEPT the west 15 feet; AND EXCEPT 10 feet of the east 30 feet thereof conveyed to King County for road purposes by deed recorded under Recording Number 5036365; AND EXCEPT any portion thereof lying within 100th Avenue Southeast.

AND ALSO
That portion of the east half of the south half of the south half of the north half of the southeast quarter of the northeast quarter of the southeast quarter of Section 18, Township 22 North, Range 5 East, W.M., in King County, Washington; EXCEPT the east 30 feet for road described as follows:

Beginning at the southwest corner of the above described parcel; thence east along the south line thereof a distance of 105.00 feet to the True Point of Beginning of centerline herein described; thence North 36°17'11" West a distance of 74.12 feet; thence North 21°43'08" West a distance of 113.33 feet to a point on the north line of said parcel and the terminus of centerline herein described.

AND ALSO
The east 30.00 feet of the west 120 feet of the following described property.

The east half of the north half of the south half of the north half of the southeast quarter of the northeast quarter of the southeast quarter of Section 18, Township 22 North, Range 5 East, W.M., in King County, Washington; EXCEPT the west 15 feet; AND EXCEPT the west 10 feet of the east 30 feet thereof conveyed to King County for road purposes by deed recorded under Recording Number 5036365; AND EXCEPT any portion thereof lying within 100th Avenue Southeast.

AND ALSO (CONT.)
Beginning at the southwest corner of the following described property being the True Point of Beginning of property herein described.

The south half of the south 6 acres of the southeast quarter of the southwest quarter of Section 17, Township 22 North, Range 5 East, W.M., in King County, Washington; EXCEPT the east 30 feet thereof conveyed to King County by deed recorded under Recording Number 1136226 for 104th Avenue Southeast; EXCEPT that portion conveyed to the City of Kent by deed recorded under Recording Number 79121030503 (re-recording of 7806140119) for Southeast 236th Place. Thence north along the west line thereof a distance of 40.00 feet; thence North 81°22'16" East a distance of 172.45 feet; thence east parallel with the south line of above described property a distance of 388.06 feet to a point on the west line of 104th Avenue Southeast; thence south along said west line a distance of 70.00 feet to a point on the north line of Southeast 236th Street; thence west along the north line thereof a distance of 558.09 feet to the True Point of Beginning.

AND ALSO

The north 20.00 feet of Tract 9 R.O. Smiths Orchard Tracts to Kent Vol. 12 page 27 King County, WA.

AND ALSO

The north 20.00 feet of Tract 10 R.O. Smiths Orchard Tracts to Kent Vol. 12 page 27 King County, WA EXCEPT the west 186.00 feet thereof.

AND ALSO

The north 20.00 feet of the west 66.00 feet of Tract 10 R.O. Smiths Orchard Tracts to Kent Vol. 12 page 27 King County, WA.

AND ALSO

The north 20.00 feet of the east 120.00 feet of the west 186.00 feet of Tract 10 R.O. Smiths Orchard Tracts to Kent Vol. 12 page 27 King County, WA.

AND ALSO (CONT)
The north 20.00 feet of the east 25.00 feet of Tract 11 R.O. Smiths Orchard Tracts to Kent Vol. 12 page 27 King County, WA.

AND ALSO

The north 5.00 feet of the west half of the west half of the southwest quarter of the northwest quarter of the northeast quarter of Section 20 Township 22 North Range 4 E, W.M. King County WA.

AND ALSO

The north 5.00 feet of the west 128.00 feet of the west 2 acres of the southeast quarter of the northwest quarter of the northeast quarter of Section 20, Township 22 N, Range 5 East, W.M., King County WA.

AND ALSO

The north 5.00 feet of the southeast quarter of the northwest quarter of the northeast quarter of Section 20, Township 22 N, Range 5 East, W.M., King County WA; EXCEPT the west 128.00 feet; AND EXCEPT the east 384 feet thereof.

AND ALSO

The north 5.00 feet of Lot 2 King County Short Plat No. 881086 recorded under Auditors File No. 8112110601 being a portion of the southeast quarter of northwest quarter of northeast quarter in Section 20, Township 22 North, Range 5 East, W.M. King County, WA.

AND ALSO

The north 5.00 feet of of the following:

The east 128 feet of the southeast quarter of the northwest quarter of the northeast quarter of Section 20, Township 22 North, Range 5 East, W.M., in King County, Washington; EXCEPT the west 98 feet of the east 128 feet of the south 215 feet of the southeast quarter of the northwest quarter of the northeast quarter of Section 20, Township 22 North, Range 5 East, W.M., in King County, Washington; EXCEPT the south 30 feet conveyed to King County for road by deed recorded under Recording Number 2569132; (ALSO KNOWN AS a portion of Kent Lot Line Adjustment No. LL-89-32 recorded under Recording Number 8912010532).

AND ALSO (CONT)
The north 20.00 feet of the east 25.00 feet of Tract 11 R.O. Smiths Orchard Tracts to Kent Vol. 12 page 27 King County, WA.

TOGETHER WITH A TEMPORARY CONSTRUCTION EASEMENT over the west 20.00 feet of the east 45.00 feet of the north 45.00 feet and over the south 25.00 feet of the north 45.00 feet of the east 25.00 feet of said Tract 11. Said TEMPORARY EASEMENT shall remain in full force and affect until the storm drainage system is constructed and accepted by the Kent City Council. Any construction shall be accomplished in such a manner that the existing improvements and land contours existing in the easements shall not be disturbed or destroyed, or in the event that 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.

END