AN ORDINANCE of the City of Kent, Washington, providing for the acquisition by negotiation or condemnation of an easement for street purposes over certain property in order to construct, operate and maintain the extension, improvement, alteration and widening of South 196th Street between East Valley Highway and Orillia Road in the City of Kent; providing that special benefits to the owner's remaining property resulting from the proposed improvements shall be offset against the value of the property and property rights acquired and against any damages to the remainder property; providing that the amount of just compensation, if any, in excess of the net special benefits to the owner's remaining property shall be paid out of the 196th Street-West Valley to East Valley Project Fund; all of said property being located within the City of Kent, King County, Washington.

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

Section 1. Repealer. Ordinance 3139 of the City of Kent, passed on October 19, 1993, is hereby REPEALED in its entirety.

Section 2. The City of Kent ("City") authorizes the acquisition by negotiation or condemnation of certain real property and property rights located in King County, Washington. A legal
description of the property to be acquired is attached as Exhibit A and incorporated herein by this reference. The specific details concerning the lands being herein condemned may be found within those certain maps, drawings and specifications pertaining to the City's South 196th Street Corridor project between Station 107+10 (east) and Station 124+80 (west), which are now of record and on file in the City's Public Works Department.

Section 3. The public convenience, use and necessity demand that the City acquire an easement across the property described in Exhibit "A" for street purposes, which purposes shall include all acts necessary to construct, operate and maintain the extension, improvement, alteration and widening of South 196th 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.

Section 4. The City shall take possession of the property described in Exhibit "A" only after just compensation has first been made or paid into court for the owner or owners in the manner prescribed by law.

Section 5. The City shall offset special benefits to the owner's remaining property resulting from the South 196th Street Corridor project against the value of the property and property rights acquired and against any damages to the owner's remaining property. The amount of just compensation, if any, in excess of the net special benefits to the owner's remaining property and property rights shall be paid by the City from the City's "196th Street--West Valley to East Valley Project Fund," or from any of the City's general funds, if necessary, as may be provided by law.
Section 6. As a condition of the acquisition of the property and property rights described in Exhibit "A" by condemnation, the City will not subject the Property to any special assessments (specifically special assessments through the City's proposed LID 340 and 341) arising from any of the proposed improvements resulting from this project.

Section 7. The City authorizes and directs the City Attorney to commence those proceedings provided by law that are necessary to condemn the Property. In commencing these condemnation procedures, the City authorizes the City Attorney to enter into stipulations or agreements in order to minimize damages, which stipulations or agreements may include, but not be limited to, size and dimensions of the property and property rights condemned, construction easements and other property interests.

Section 8. Any acts consistent with the authority and prior to the effective date of this Ordinance are ratified and confirmed.

Section 9. 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 10. This Ordinance shall take effect and be in force five (5) days from and after its passage, approval and publication as provided by law.

JIM WHITE, MAYOR
ATTEST:

Brenda Jacober
BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

Roger A. Lubovich, CITY ATTORNEY

PASSED the 19 day of July, 1974.
APPROVED the 20 day of July, 1974.
PUBLISHED the 22 day of July, 1974.

I hereby certify that this is a true and correct copy of Ordinance No. 3, 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
EXHIBIT A

LEGAL DESCRIPTION FOR
SOUTH 196TH STREET RIGHT-OF-WAY
THRU KINGSPORT INDUSTRIAL PARK

THE CITY SHALL ACQUIRE THE FOLLOWING-DESCRIBED PORTION OF TRACT "X":

THAT PORTION OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 22 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON, AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE WEST LINE OF 81ST AVENUE SOUTH AND THE NORTH LINE OF SOUTH 196TH STREET AS ESTABLISHED BY DEED RECORDED UNDER RECORDING NO. 5345763;
THENCE NORTH 88°22'45" WEST ALONG THE EXTENSION OF THE NORTH LINE OF SOUTH 196TH STREET A DISTANCE OF 442.23 FEET TO THE WEST LINE OF THE EAST 1274.64 FEET OF THE NORTHEAST QUARTER OF SAID SECTION 1;
THENCE NORTH 01°08'30" EAST ALONG SAID WEST LINE A DISTANCE OF 1.51 FEET;
THENCE NORTH 88°08'39" WEST A DISTANCE OF 47.17 FEET;
THENCE NORTH 89°49'44" WEST A DISTANCE OF 102.50 FEET;
THENCE NORTH 88°08'39" WEST A DISTANCE OF 281.32 FEET TO A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 1165.05 FEET;
THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 08°04'41" AN ARC DISTANCE OF 165.43 FEET TO THE EASTERY MARGIN OF THE NORTHERN PACIFIC RAILROAD RIGHT-OF-WAY AS CONVEYED BY DEED RECORDED UNDER RECORDING NO. 6239441, IN KING COUNTY, WASHINGTON;
THENCE SOUTH 06°03'07" EAST ALONG SAID MARGIN A DISTANCE OF 38.29 FEET TO THE NORTH LINE OF THAT PARCEL OF LAND CONVEYED TO THE CITY OF KENT RECORDED UNDER RECORDING NO. 920911120, IN KING COUNTY, WASHINGTON;
THENCE SOUTH 88°22'45" EAST ALONG SAID NORTH LINE A DISTANCE OF 532.56 FEET;
THENCE SOUTH 02°57'20" WEST A DISTANCE OF 60.02 FEET;
THENCE SOUTH 88°22'45" EAST A DISTANCE OF 56.73 FEET TO A NON-TANGENT CURVE CONCave TO THE SOUTHEAST HAVING A RADIUS OF 53.00 FEET THE CENTER OF WHICH BEARS SOUTH 39°37'15" EAST;
THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 41°28'36" AN ARC DISTANCE OF 38.37 FEET.
THENCE SOUTH 88°08'39" EAST A DISTANCE OF 596.31 FEET TO A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 3993.00 FEET;
THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 02°04'04" AN ARC DISTANCE OF 144.11 FEET;
THENCE SOUTH 86°04'35" EAST A DISTANCE OF 356.66 FEET TO A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 50.00 FEET;
THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE 87°52'20" AN ARC DISTANCE OF 76.68 FEET;
THENCE NORTH 01°47'45" EAST A DISTANCE OF 116.93 FEET TO THE POINT OF BEGINNING.
TRACT "X"

THE FOLLOWING LEGAL DESCRIPTION OF TRACT "X" DESCRIBES, IN TWO PARTS (PARCEL "A" & PARCEL "B"), THE ENTIRE PARCEL FROM WHICH THE CITY SHALL ACQUIRE THE ABOVE-DESCRIBED PROPERTY AND PROPERTY RIGHTS:

PARCEL A:

That portion of the northeast quarter of Section 1, Township 22 North, Range 4 East, W.M., in King County, Washington, described as follows:

Beginning at a point on the south line of said subdivision distant north 88°12'47" west 1,230 feet from the intersection of said south line with the west line of 81st Avenue South as established by deed recorded under Recording Number 5345763; thence north 1°47'49" east parallel with said 81st Avenue South, a distance of 1,227.78 feet to the westerly prolongation of the north line of South 196th Street, as described in instrument recorded under Recording Number 5345763; thence north 88°23'07" west along the westerly prolongation of said north line 538.14 feet, more or less, to the easterly line of the Northern Pacific Railway right-of-way as conveyed by deed recorded under Recording Number 6239441; thence southerly along said easterly line to the south line of said subdivision; thence south 88°12'47" east 378.98 feet, more or less, to the point of beginning; EXCEPT therefrom that portion lying southerly of the centerline of the Burlington Northern Railway track as shown in deed recorded under Recording Number 6425890; ALSO EXCEPT therefrom the north 600.00 feet of the south 967.00 feet of the east 210.00 feet of said above described land; ALSO EXCEPT therefrom that portion conveyed to the City of Kent by deed recorded under Recording Number 9209111120 described as follows:

Commencing at the northeast corner of said parcel; thence north 88°22'45" west along the north line of said parcel a distance of 5.58 feet to the point of beginning; thence south 2°57'20" west 202.22 feet; thence north 88°09'51" west 107.29 feet to the beginning of an arc of a curve to the right having a radius of 436.61 feet; thence westerly along said curve through a central angle of 32°51'45" an arc distance of 250.42 feet; thence south 86°36'52" west 164.95 feet to the westerly line of said parcel (said westerly line also being the easterly margin of the Northern Pacific Railroad right-of-way as conveyed by deed recorded under Recording Number 6239441, in King County, Washington);

(Tract "X" Legal Description, continued)
thence north 6°03'07" west along said line and margin a distance of 146.71 feet to the northwest corner of said parcel;
thence south 88°22'45" east along the north line of said parcel a
distance of 532.56 feet to the point of beginning.

Said above described land, being a portion of Lots 1 and 2,
Kingsport Industrial Park Short Plat, recorded under Recording
Number 7901020705;

(NOW KNOWN AS a portion of Lot 1, Revised Kingsport Industrial Park
Short Plat (Kent Short Plat 78-39) recorded under Recording Number
8104140726).

PARCEL B:

That portion of the northeast quarter and of the northwest quarter
of Section 1, Township 22 North, Range 4 East, W.M., in King County,
Washington, described as follows:

Beginning at the intersection of the south line of said subdivision
with the west line of 81st Avenue South as established by deed
recorded under Recording Number 5345763;
thence north 88°12'47" west along said south line 1,230 feet;
thence north 1°47'49" east parallel with the west line of said 81st
Avenue South 325.78 feet to the TRUE POINT OF BEGINNING of this
description;
thence south 88°23'07" east parallel with the north line of the
south half of said northeast quarter 1,230 feet to the west line of
said 81st Avenue South;
thence north 1°47'49" east 902 feet to the north line of South 196th
Street as established by deed recorded under Recording Number
5345763;
thence north 88°23'07" west along said north line and its extension
thereof 442.29 feet to the west line of the east 1,274.64 feet of
said subdivision;
thence north 1°08'22" east along said west line 340 feet to the
north line of the south 220.94 feet of the north half of said
northeast quarter;
thence north 88°23'07" west 1,093.15 feet to the southwest corner of
the north 31 feet of the south 251.94 feet of the east 1,050 feet of
the northwest quarter of the northeast quarter of said Section 1;
thence north 1°08'22" east 31 feet to the north line of the south
251.94 feet of the north half of said northeast quarter;
thence along said north line north 88°23'07" west 279.50 feet, more
or less, to the east line of the Northern Pacific Railway
right-of-way as described in deed recorded under Recording Number
6239441;

(Tract "X" Legal Description, continued)
(TRACT "X"--Legal Description continued)

thence southerly along said easterly line 374.34 feet, more or less, to the westerly prolongation of the north line of said South 196th Street;
thence south 88°23'02" east 538.14 feet, more or less, to a point which bears north 1°47'49" east from the TRUE POINT OF BEGINNING;
thence south 1°47'49" west 260.78 feet to the north line of the south 967.00 feet of said northeast quarter;
thence along said north line north 88°12'47" west 210.00 feet;
thence south 88°12'47" east 210.00 feet;
thence south 1°47'49" west 41.22 feet, more or less, to the TRUE POINT OF BEGINNING.

(End of Tract "X" Legal Description)

The easement being herein condemned contains an area of 99,328 square feet (2.28 acres), more or less, the specific details concerning all of which may be found within those certain maps, drawings and specifications pertaining to the City’s South 196th Street Corridor project between Station 107+10 (east) and Station 124+80 (west), which are now of record and on file in the City’s Public Works Department.

ALSO TOGETHER WITH the right to enter upon respondents’ remaining land, where necessary, to:

(1) construct, reconstruct, remove and replace driveways and road approaches;

AND/OR

(2) remove improvements, if any, located wholly or partially upon the right of way.

END OF EXHIBIT "A"
August 17, 1994

King County Records & Elections
Records Section
500A King County Administration Building
Seattle, Wa  98104

To Whom It May Concern:

Our Purchase Order No. 110708 was recently sent to you for recording City of Kent Ordinance Nos. 3173 and 3176. Unfortunately, copies of the ordinance were mailed with the purchase order rather than the originals.

Therefore, I need to re-record both ordinances. The original ordinances and Purchase Order No. 114302 are enclosed for that purpose.

Thank you.

Sincerely,

Brenda Jacober, CMC
City Clerk

BJ: encl.

P.S. In case you need to know, the others were recorded under numbers 9408040708 and 9408040733

new #'s 9409020480 9409020479