ORDINANCE NO. 3227

AN ORDINANCE of the City of Kent, Washington, providing for the acquisition of a permanent easement for water system utility purposes over certain property in order to improve, alter, install, construct, reconstruct, operate and maintain a water utility system transmission main, the "Kent Springs Transmission Main Rebuild" project, which property is generally located within the Jenkins Creek Subbasin of the Green River Basin; providing for the payment thereof from the City's Kent Springs Transmission Main Fund; and providing for the condemnation of such property rights as necessary therefor; all of said properties located within King County, Washington.

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 two parcels of real property located in King County, Washington, for the City's Kent Springs Transmission Main Rebuild project. The properties designated for condemnation are located generally within the Jenkins Creek Subbasin of the Green River Basin 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 water utility system purposes, which purposes shall include all acts necessary or that may, from time to time, become necessary to complete the improvement, alteration, construction, reconstruction, installation, operation and maintenance of said water utility system, including, without limitation, rebuilding the City's Kent Transmission Main together with all necessary appurtenances.

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 Kent Springs Transmission Main Fund, 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 condemnation 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 agreements or stipulations in order to minimize damages, which agreements or 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.

JIM WHITE, MAYOR

ATTEST:

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

ROGER A. LUBOVICH, CITY ATTORNEY

PASSED the 16 day of May, 1995.

APPROVED the 17 day of May, 1995.

PUBLISHED the 19 day of May, 1995.

I hereby certify that this is a true and correct copy of Ordinance No. 3227, 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, CITY CLERK
PARCEL A:

That part of the northwest quarter of the southwest quarter of Section 33, Township 22 North, Range 6 East, W.M., in King County, Washington, lying south of a line parallel with and distant 50 feet southwesterly, measured at right angles, from the center line of the main tract of the Northern Pacific Railway as the same is now located, constructed and operated over and across said premises; EXCEPT the east 950 feet; EXCEPT a strip of land 50 feet in width and 400 feet in length as measured from the west line of said subdivision adjacent to the southwesterly line of said railway right-of-way, as conveyed to Northern Pacific Railroad Company, by Wallace Cole by instrument recorded under Recording Number 3375637, records of said county; and EXCEPT that portion thereof lying southwesterly of a creek commonly known as Martinez Creek.

PARCEL B:

That portion of Section 32, Township 22 North, Range 6 East, W.M., in King County, Washington, lying southerly of the Northern Pacific Railroad Company right-of-way and easterly of a creek commonly known as Martinez Creek;

The land referred to in this commitment is situated in the county of King, state of Washington, and described as follows:

The west half of the east half of the west half of the northeast quarter of the southeast quarter of Section 32, Township 22 North, Range 6 East, W.M., in King County, Washington, lying northerly of the Northern Pacific Railway Co. right-of-way as established by instrument recorded under Recording Number 182313;

TOGETHER WITH the west half of the east half of the west half of the southeast quarter of the northeast quarter of said Section 32 lying southerly of the centerline of the City of Kent Pipeline right-of-way as established by instrument recorded under King County Recording Number 5810445;