AN ORDINANCE of the City of Kent, Washington, providing for the acquisition of an easement for street purposes over certain properties in order to extend, improve, alter and widen South 196th Street between West Valley Highway (SR 181) and East Valley Highway; providing for the payment thereof out of the 196th Street Corridor Project Fund; and providing for the condemnation of such property rights as necessary therefor; all of said properties located within the City of Kent, 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 part of various parcels of certain real property located in King County, Washington, for the extension, improvement, alteration and widening of South 196th Street in the City of Kent between West Valley Highway (SR 181) and East Valley Highway. These parcels are legally described in Exhibit A, attached and incorporated by this reference (the "Properties").

Section 2. The public convenience, use and necessity demand that the City condemn the Properties in order to acquire right-of-way, slope, aerial and other necessary easements for street purposes, which purposes shall include all acts necessary to complete 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 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 through the City's "196th Street Corridor 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 proceedings provided by law that are necessary to condemn the Properties. In commencing these condemnation procedures, the City authorizes the City Attorney to enter into settlements, stipulations or agreements in order to minimize damages, which settlements, stipulations or agreements may include, but not be limited to, the amount of just compensation to be paid, the size and dimensions of the Properties 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 3rd day of Sept., 1976.
APPROVED the 3rd day of Sept., 1976.
PUBLISHED the 6th day of Sept., 1976.

I hereby certify that this is a true and correct copy of Ordinance No. 3311, 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
That portion of Lot 2 of Kent Short Plat No. SP-79-11, as recorded under Recording Number 8002040777, described as follows:

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

Beginning at a point which is 970.20 feet south and 30 feet east of the northwest corner of said Section 1;
thence north 89°22' east, 420 feet;
thence north 130.20 feet;
thence north 89°22' east, 115 feet;
thence south 324 feet;
thence south 89°22' west, 535 feet;
thence north 193.80 feet to the point of beginning;
EXCEPT portions thereof taken in King County Superior Court Cause Nos. 693086, 695462 and 715174 for SR 181, Kent: Meeker St. to Tukwilla;
AND EXCEPT the east 115 feet thereof. AND

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

Beginning at the northwest corner of said northwest quarter;
thence south 01°54'00" west, along the west line of said northwest quarter, a distance of 1164.52 feet;
thence south 88°45'56" east, parallel to the north line of said northwest quarter, a distance of 109.21 feet, to the easterly margin of SR-181 (West Valley Highway) as condemned under King County Superior Court Cause No. 693086, and the TRUE POINT OF BEGINNING;
thence continuing south 88°45'56" east, a distance of 340.82 feet, to a point of intersection with the southerly projection of the east line of Lot 1 of City of Kent Short Plat No. SP-79-11, as recorded under King County Recording Number 8002040777;
thence south 01°54'00" west, along said projection and parallel to the west line of said northwest quarter, a distance of 166.58 feet, to the northerly margin of South 196th Street;
thence south 01°54'00" west, along said projection and parallel to the west line of said northwest quarter, a distance of 166.58 feet, to the northerly margin of South 196th Street;
thence south 01°54'00" west, along said projection and parallel to the west line of said northwest quarter, a distance of 166.58 feet, to the northerly margin of South 196th Street;
thence south 01°54'00" west, along said projection and parallel to the west line of said northwest quarter, a distance of 166.58 feet, to the northerly margin of South 196th Street;
thence south 01°54'00" west, along said projection and parallel to the west line of said northwest quarter, a distance of 166.58 feet, to the northerly margin of South 196th Street;
thence south 01°54'00" west, along said projection and parallel to the west line of said northwest quarter, a distance of 166.58 feet, to the northerly margin of South 196th Street;
thence south 01°54'00" west, along said projection and parallel to the west line of said northwest quarter, a distance of 166.58 feet, to the northerly margin of South 196th Street;

AND ALSO

The west 7.5 feet of the south 166.58 feet of the following described property:

Lot 1 of Kent Short Plat No. SP-82-7, as recorded under Recording Number 8209220339, said Lot 1 being more particularly described as follows:

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

Commencing at the northwest corner of said northwest quarter;
thence south 01°54'00" west, along the west line of said northwest quarter, a distance of 840.52 feet;
thence south 88°45'56" east, parallel to the north line of said northwest quarter, a distance of 450.03 feet, to the northeast corner of Lot 1 of City of Kent Short Plat SP-79-11 as recorded under Recording Number 8002040777;
thence south 01°54'00" west, along the east line of said Lot 1 and parallel to the west line of said northwest quarter, a distance of 209.27 feet, to the TRUE POINT OF BEGINNING;
thence continuing south 01°54'00" west a distance of 281.31 feet, to the northerly margin of South 196th Street;
thence south 88°29'01" east, along said margin, a distance of 275.02 feet;
thence north 01°54'00" east, parallel to the west line of said northwest quarter, a distance of 272.91 feet;
thence north 86°44'05" west a distance of 275.08 feet, to the TRUE POINT OF BEGINNING.

(CONT.)
Parcel No. 160799-3

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

Beginning at a point 725 feet east and 1329.39 feet south of the northwest corner of said Section; thence north 653.42 feet; thence east 160 feet; thence south 653.89 feet; thence west 160 feet to beginning.

Parcel No. 160799-4 B

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

Beginning at a point which is north 89°22' east 335 feet and south 678 feet from the northwest corner of said subdivision; thence south 653.89 feet to the north line of the County Road; thence along said road line north 89°32' east 320 feet; thence north 654.82 feet; thence south 89°22' west 320 feet to the point of beginning.

Parcel No. 161703-8

The west 160 feet of the following described tract:

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

Beginning at a point which is north 89°22' east 1365 feet and south 678 feet from the northwest corner of said subdivision; thence south 655.28 feet to the north line of County road; thence along said road line north 89°32' east 363.10 feet to westerly line of Seattle-Tacoma Interurban Railway right-of-way; thence along said right-of-way line north 0°47' west 656.31 feet; thence south 89°22' west 354.12 feet to beginning; AND

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

Beginning at a point which is north 89°22' east 1,365 feet and south 678 feet from the northwest corner of said subdivision; thence along said road line north 89°32' east 363.10 feet to the westerly line of Seattle-Tacoma Interurban Railway right-of-way; thence along said right-of-way line north 0°47' west 656.31 feet; thence south 89°22' west 354.12 feet to point of beginning; EXCEPT the west 160 feet thereof.
That Portion of the following property lying south of the center line of vacated South 194th Street; A parcel of land situate in the northeast quarter of the northwest quarter of Section 1, Township 22 North, Range 4 East, W.M., in King County, Washington, described as follows:

Commencing at the north quarter corner of said Section 1; thence along the north line of said Section 1, north 88°48'16'' west, a distance of 353.75 feet, more or less, to the TRUE POINT OF BEGINNING, said point being the intersection of the westerly right of way line of John Costello Road (also know as 76th Avenue South) with the north line of said Section 1; thence along said westerly right of way line of John Costello Road, south 6°2'45'' east, a distance of 1373.79 feet, to a point on the south line of said northeast quarter of the northwest quarter of Section 1; thence along said south line north 88°41'37'' west, a distance 551.69 feet to a point in the easterly right of way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company; thence along said easterly right of way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, north 1°1'21'' east, a distance of 1146.04 feet, to the beginning of a tangent curve, concave easterly, having a radius of 11,416.19 feet; thence northerly along said curve and along said right of way line, an arc distance of 195.45 feet, to a point in the southerly right of way line of main ditch Drainage District No. 1; thence along said Drainage District No. 1 right of way line, north 65°51'39'' east, a distance of 47.43 feet, to a point on the northline of said Section 1; thence along the northline of said Section 1, south 88°48'16'' east, a distance of 338.03 feet, to the TRUE POINT OF BEGINNING; TOGETHER WITH that portion of vacated 76th Avenue South as would attach by operation of law. EXCEPT that portion deeded to the City of Kent for street drainage and utility purposes by King County Deed recorded under Recording Number 850270018.

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

Commencing at a point on the east line of said section, which point is 119.06 feet south of the north line of said southeast quarter; thence parallel with said north line of said southeast quarter of the northeast quarter, north 88°11'01'' west 638 feet to the TRUE POINT OF BEGINNING; thence continuing north 88°11'01'' west 636.64 feet; thence north 1°08'22'' east 342.11 feet; thence south 88°11'01'' east 636.64 feet; thence south 1°08'22'' west 342.11 feet to the TRUE POINT OF BEGINNING.

AND

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

Commencing at a point on the east line of said section, which point is 119.06 feet south of the north line of said southeast quarter; thence parallel with said north line of said southeast quarter of the northeast quarter, north 88°11'01'' west 1,274.64 feet; thence north 1°08'22'' west 342.11 feet to the TRUE POINT OF BEGINNING; thence south 88°11'01'' east 636.64 feet; thence north 1°08'22'' west 3.00 feet; thence north 88°11'01'' west 636.64 feet; thence south 1°08'22'' west 3.00 feet to the TRUE POINT OF BEGINNING.

(CONT.)
Parcel No. 161708-13

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

Beginning at the intersection of west line of Primary State Highway No. 5 (East Valley Road) with the north line of south 251.94 feet of northeast quarter of the northeast quarter of said section 1; thence southerly along said west line 371 feet; thence westerly parallel with the north line of said south 251.94 feet a distance of 590 feet; thence northerly parallel with said west highway line, 371 feet; thence easterly along the north line of said south 251.94 feet to a point of beginning; EXCEPT that portion conveyed to the City of Kent, by deed recorded under Recording Number 7905090734.

TOGETHER WITH an easement for a lead spur track over the north 17 feet of the south 251.94 feet of that portion of the north half of the northeast quarter and the north half of the northwest quarter of Section 1, Township 22 North, Range 4 East, W.M., in King County, Washington, lying easterly of the Northern Pacific Railway; EXCEPT from said easement the east 590 feet of that portion lying west of Primary State Highway No. 5.

Parcel No. 161712-17

The north 160 feet of the east 150 feet of that portion of the southeast quarter of the northeast quarter of Section 1, Township 22 North, Range 4 East, W.M., in King County, Washington, lying south of the southerly margin of South 196th Street, as established by Deed recorded under King County Recording Number 5345763 and west of the westerly margin of East Valley Highway as established prior to 1978; EXCEPT that portion conveyed to the City of Kent by Deed recorded under King County Recording Number 7810260089.

Parcel No. 161713-18

The north 365 feet of that portion of the southeast quarter of the northeast quarter of Section 1, Township 22 North, Range 4 East, W.M., in King County, Washington, lying south of the southerly margin of South 196th Street and easterly of the east margin of 81st Avenue South as they were established by Deed recorded under King County Recording Number 5345763, and west of the westerly margin of East Valley Highway as established prior to 1978; EXCEPT the west 411.11 feet thereof; AND EXCEPT the north 160 feet of the east 150 feet thereof; AND EXCEPT that portion conveyed to the City of Kent by Deed recorded under King County Recording Number 7810260094.

Parcel No. 161714-19

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

Commencing at a point on the west line of Primary State Highway Number 5 (East Valley Road), which point is 149.06 feet south of the north line of said southeast quarter; thence parallel with said north line of said southeast quarter, north 88°11'01" west 313.46 feet to the TRUE POINT OF BEGINNING; thence continue north 88°11'01" west 441.11 feet; thence south 1°47'48" west 395.00 feet; thence south 88°11'01" east 441.11 feet; thence north 1°47'48" east 395.00 feet to the TRUE POINT OF BEGINNING; EXCEPT the north 30 feet and the west 30 feet thereof conveyed to the City of Kent for road purposes by deed recorded October 26, 1961, under Recording Number 5345763. (CONT.)
Parcel No. 161716-21
The Burlington Northern Railroad Company, formerly The Northern Pacific Railway Company right-of-way 100 feet in width, as established by document recorded under Recording Number 169386, lying within the southeast quarter of the northeast quarter of the northwest quarter of Section 1, Township 22 North, Range 4 East, W.M., in King County, Washington.

Parcel No. 161717-22
Lot 1 of City of Kent Short Plat Number SPC-79-22, according to short plat recorded under Recording Number 8002190705, being a portion of the southeast quarter of the northwest quarter of Section 1, Township 22 North, Range 4 East, W.M., in King County, W.A.

Parcel No. 161718-23
The Oregon-Washington Railroad and Navigation Company, formerly the Chicago, Milwaukee and St. Paul Railway Company, Right-of-Way 100 feet in width, as established by documents recorded under Recording Numbers 427019 and 455931, lying within the northeast quarter of the northwest quarter, and within the southeast quarter of the northwest quarter of Section 1, Township 22 North, Range 4 East, W.M., in King County, Washington; EXCEPT that portion lying within Drainage District #1 as condemned under King County Superior Court Cause #32912.

Parcel No. 161719-24
The Puget Sound Electric Railway Company, formerly The Puget Sound Shore Railroad Company, right of way 100 feet in width as established by documents recorded under Recording Numbers 1625, 1626, 213895 and 214592 lying within the northeast quarter of the northwest quarter, and within the southeast quarter of the northwest quarter of Section 1, Township 22 North, Range 4 East, W.M., in King County, Washington.

Parcel No. 161720-25
That portion of the southeast quarter of the northwest quarter of Section 1, Township 22 North, Range 4 East, W.M., lying west of a strip of land deeded to Seattle-Tacoma Interurban Railroad by deed recorded under Recording Number 214592; EXCEPT the north 30 feet deeded to King County under Recording Numbers 1083955 and 1107048 for South 196th Street; AND EXCEPT that portion lying within a strip of land 30 feet in width condemned for drainage ditch in King County Superior Court Cause Number 32912.
Parcel No. 161721-26

Commencing at the west quarter corner of Section 1, Township 22 North, Range 4 East, W.M., in King County, Washington; thence north 89°57' east along the center line of Section 1 a distance of 1342.20 feet; thence north 300 feet to the point of beginning; thence continuing north 1020 feet to the north line of the southwest quarter of the northwest quarter of Section 1; thence westerly along said north line, 176.60 feet; thence south 1020 feet; thence north 89°57' east 181.90 feet, more or less, to the point of beginning; EXCEPT that portion, if any, lying within South 196th Street (Dwyer Cochrane Road); EXCEPT those portions thereof lying within strips of land condemned for drainage ditches in King County Superior Court Cause No. 32912; AND EXCEPT any portion lying southerly of the north margin of the most northerly branch of said drainage ditch;

Parcel No. 161724-29

Commencing at the west quarter corner of Section 1, Township 22 North, Range 4 East, W.M. in King County, Washington; thence north along the west line of said Section 1 a distance of 925 feet; thence north 89°57' east 30 feet to the TRUE POINT OF BEGINNING; thence north 89°57' east 680 feet; thence north 375 feet; thence south 89°75' west 680 feet; thence south 375 feet to the TRUE POINT OF BEGINNING; EXCEPT that portion thereof conveyed to the State of Washington by deed recorded under Recording Number 6302509; AND EXCEPT that portion thereof conveyed to the City of Kent by deed recorded under Recording Number 8912190572;