ORDINANCE NO. 3336

AN ORDINANCE of the City of Kent, Washington, providing for the acquisition of right-of-way easements for any and all street purposes along, across, over and under certain properties in order to construct, extend, improve, alter and widen South 196th/200th Street between West Valley Highway (SR 181) and Orillia Road; providing for the payment thereof out of the 196th Street Corridor--West Leg--Project Fund (Fund R-82); providing for the condemnation, appropriation, taking and damaging of such property rights as necessary therefor; and directing the City Attorney to prosecute the appropriate legal proceedings and to enter into settlements, stipulations or other agreements; all of said properties located within King County. Washington.

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

SECTION 1. The public convenience, use and necessity demand that the City of Kent ("City") condemn, appropriate, take and damage portions of certain real property parcels located in King County. Washington, in order to acquire right-of-way, slope, aerial and other necessary easements for any and all street and other related purposes. These parcels are legally described in Exhibits A through F, attached and incorporated by this reference (the "Properties"). The purposes for which this condemnation is authorized shall include, without limitation, all acts necessary to complete the construction, extension, improvement, alteration and widening of South 196th/200th Street, including improvements for drainage, curbs and gutters, sidewalks, landscaping, illumination, signal improvements,
electrical facilities, utilities, utility adjustments and relocations, and any other street or municipal purposes that may become necessary from time to time on the Properties.

SECTION 2. In accordance with the terms and conditions of Motion No. 9811 of the King County Council and to the City's agreement with Metropolitan King County dated May 9, 1996. the City authorizes the acquisition by condemnation of all or a part of the Properties for the construction, extension, improvement, alteration and widening of South 196th/200th Street between West Valley Highway (SR 181) and Orillia Road.

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--West Leg--Corridor Fund." (Fund R82) 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.

ATTEST:

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

ROGER A. LUBOVICH, CITY ATTORNEY

PASSED the 4th day of February 1997.
APPROVED the 5th day of February 1997.
PUBLISHED the 7th day of February 1997.

I hereby certify that this is a true and correct copy of Ordinance No. 3336, 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 (SEAL)
The land referred to in this commitment is situated in the county of King, state of Washington, and described as follows:

**PARCEL A:**

That portion of Government Lot 6, Section 3, Township 22 North, Range 4 East, W.M., in King County, Washington, lying easterly of Old Orilla Road (51st Place South) and north of South 200th Street; EXCEPT portion thereof conveyed to King County for realignment of Orilla Road by deed recorded under Recording Number 6016781;

(ALSO KNOWN AS a portion of Tracts 105 and 106, Angle Lake Shore Division Number 2, according to the unrecorded plat thereof).

**PARCEL B:**

The west 37 rods of the southeast quarter of the northeast quarter of Section 3, Township 22 North, Range 4 East, W.M., in King County, Washington; EXCEPT those portions thereof conveyed to King County for road purposes under Recording Numbers 1168064, 2751663 and 6016780; AND EXCEPT portion conveyed to the State of Washington for Primary State Highway No. 1 by deed recorded under Recording Number 5191889; AND EXCEPT that portion lying northwesterly of 51st Place South.
ORDER NO: 88311-3

The west 160 feet of the east 709.5 feet of the south 240 feet of the southeast quarter of the northeast quarter of Section 3, Township 22 North, Range 4 East, W.M., in King County, Washington; EXCEPT the west 20 feet thereof; AND EXCEPT any portion of the county road, if any, that lies within the land hereinabove described.

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

PARCEL A:

That portion of the southeast quarter of the northeast quarter of Section 3, Township 22 North, Range 4 East, W.M., in King County, Washington, described as follows:

Commencing at the southeast corner of the northeast quarter of said section;
then thence north along the easterly line thereof 33 feet to the northerly line of South 200th Street and the TRUE POINT OF BEGINNING;
then thence continuing northerly along the east line of said northeast quarter to the southeast corner of the northeast quarter of the northeast quarter of said section;
then thence westerly 709.5 feet, more or less, along the south line of the northeast quarter of the northeast quarter of said section to the northeast corner of a tract of land deeded to the Seattle and Walla Walla Railroad and Transportation Company by deed recorded April 10, 1873 in Volume 9 of Dees, page 42;
then thence southerly along the east line of said tract to the north line of South 200th Street;
then thence east along the north line of said South 200th Street to the point of beginning;
EXCEPT that portion of said premises lying within a portion of the west half of the northeast quarter of Section 2 and of the east half of the northeast quarter of Section 3, Township 22 North, Range 4 East, W.M., in King County, Washington, being more particularly described as follows:

Commencing at the northwest corner of said Section 2, proceed south 01°09'08" east, 1392.41 feet along the west line of Section 2, to the point of beginning;
then thence south 88°45'19" east, 145.55 feet to the southwest corner of the M. A. Segale property as shown on the recorded Survey Number 7707280568, filed in Volume 4 of Surveys on Page 239, records of King County, Washington;
then thence south 11°41'30" west, 352.30 feet;
then thence south 78°09'50" west, 236.01 feet;
then thence north 29°00'00" west, 99.12 feet;
then thence north 11°26'35" east, 51.27 feet;
then thence north 36°52'33" east, 324.55 feet to the point of beginning;
ALSO EXCEPT the west 160 feet of the east 709.5 feet of the south 240 feet of the northeast quarter of the northeast quarter of Section 3, Township 22 North, Range 4 East, W.M., in King County, Washington;
EXCEPT the west 20 feet thereof;
AND EXCEPT any portion of the county road, if any, that lies within the land hereinabove described.

(legal description, continued) EXHIBIT C(245)
LEGAL DESCRIPTION, continued:

PARCEL B:

Government Lot 9, in Section 2, Township 22 North, Range 4 East, W.M., in King County, Washington; EXCEPT that portion thereof lying west of the following described line:

Commencing at the northwest corner of said Section 2; thence south 01°09'08" east 1392.41 feet along the west line of said Section to the point of beginning; thence south 88°45'19" east 145.55 feet; thence south 11°41'30" west 352.30 feet; thence south 78°09'50" west 68.29 feet, more or less, to the west line of said Section 2 and the terminus of said line; AND EXCEPT county roads.
The land referred to in this commitment is situated in the county of King, state of Washington, and described as follows:

Government Lot 8, Section 2, Township 22 North, Range 4 East, W.M., in King County, Washington;
EXCEPT the south 40 feet thereof to King County for roadway as recorded under Recording Number 258128;
AND EXCEPT the north 22.8 feet thereof to King County for roadway as recorded under Recording Number 1731274;
AND EXCEPT those portions thereof condemned under King County Superior Court Cause Number 47302 for drainage ditches by the Board of Commissioners of Drainage District No. 2 of King County, Washington;

AND TOGETHER WITH that portion of the northeast quarter of the southeast quarter of Section 3, Township 22 North, Range 4 East, W.M., in King County, Washington, described as follows:

Commencing at the northeast corner of said southeast quarter of Section 3, (said point also being the northwest corner of Government Lot 8 in Section 2, Township 22 North, Range 4 East, W.M., in King County, Washington);
thence south 00°30'45" east along the east line of said southeast quarter of Section 3, a distance of 22.8 feet to the TRUE POINT OF BEGINNING;
thence south 89°54'02" west along a line 22.8 feet south of and parallel to the east-west centerline of said Southeast Quarter of Section 3, a distance of 711.96 feet;
thence south 00°25'36" east, a distance of 1264.25 feet to a point 40 feet north of the south line of said northeast quarter of the southeast quarter of Section 3;
thence north 89°40'00" east along a line 40 feet north of and parallel to the south line of said northeast quarter of the southeast quarter, a distance of 713.84 feet to the east line of said southeast quarter of Section 3;
thence north 00°30'45" west along said east line, a distance of 1262.59 feet to the TRUE POINT OF BEGINNING;
EXCEPT those portions thereof condemned under King County Superior Court Cause No. 47302 for drainage ditches by the Board of Commissioners of Drainage District No. 2 of King County, Washington.

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

PARCEL A:

Beginning at a point which is 412.5 feet south and 1930.5 feet east from the northwest corner of the southeast quarter of Section 3, Township 22 North, Range 4 East, W.M., in King County, Washington; running thence south 875 feet, more or less, to the north marginal line of the road; thence west 746 feet; thence north 875 feet, more or less, to a point which is west of the point of beginning; thence east 746 feet to the point of beginning; EXCEPT the northerly 424.1 feet of the southerly 822.5 feet of the west 150 feet; AND EXCEPT roads and drainage ditches, if any.

PARCEL B:

Beginning at a point which is 412.5 feet south and 1184.5 feet east from the northwest corner of the southeast quarter of Section 3, Township 22 North, Range 4 East, W.M., in King County, Washington; thence west 106 feet; thence north 190 feet, more or less, to an intersection with the east marginal line of county road; thence southwesterly along said marginal line 320 feet, more or less; thence east 226 feet; thence north 115 feet to the point of beginning.

PARCEL C:

Beginning at the east quarter corner of Section 3, Township 22 North, Range 4 East, W.M., in King County, Washington; running thence south 89°11'16" west along the north line of the southeast quarter of said Section 3, a distance of 723.80 feet; thence south 1°11'00" east 30 feet to the TRUE POINT OF BEGINNING; thence continuing south 1°11'00" east 382.52 feet; thence south 89°11'06" west 841.5 feet; thence north 1°11'00" west 27 feet; thence north 89°11'06" east 120 feet; thence northeasterly 138 feet to a point which is 616.92 feet west and 254 feet south of the TRUE POINT OF BEGINNING;

EXHIBIT (2 PAGES)

(legal description, continued)
LEGAL DESCRIPTION, continued:

thence north 1°11'00" west 254 feet;
thence north 89°11'06" east 616.92 feet to the TRUE POINT OF BEGINNING;
EXCEPT portion thereof described as follows:

Beginning at the northeast corner of the above described tract;
thence south 1°11'00" east 300 feet;
thence south 89°11'06" west parallel with the north line of said tract, 220 feet;
thence north 1°11'00" west 300 feet to the south line of said tract;
thence north 89°11'06" east 220 feet to the point of beginning.
The land referred to in this commitment is situated in the county of King, state of Washington, and described as follows:

That portion of the north half of the southeast quarter of Section 3, Township 22 North, Range 4 East, W.M., in King County, Washington, described as follows:

Beginning at a point south 89°11'6" west 1,565.30 feet and south 1°11' east 385.52 feet of the east quarter corner; thence north 1°11' west 171.01 feet; thence north 10°39'6" east 137.87 feet; thence north 46°52'13" east 73.354 feet; thence north 89°11'6" east 144 feet, more or less, to a point which is south 89°11'06" west 1,340.72 feet and south 1°11'00" east 30 feet from said east quarter corner; thence south 1°11' east 254 feet; thence southwesterly 138 feet to a point 120 feet east of the point of beginning; thence south 89°11'6" west 120 feet to the point of beginning; EXCEPT that portion for Orilla Road.

EXHIBIT F
ORDINANCE NO. 3336

Grantor(s):
1. G.L. and Mary Arnold
2. Vincent Coluccio and Judith M. Coluccio
3. Rockwell Industries, Inc.
4. John Constantine
5. LaPianta Limited Partnership

Grantee(s):
1. City of Kent

Legal Description:
1. Abbreviated form: Sec. 2-3, Twp 22N, R4E, W.M., King County.

Assessor's Property Tax Parcel Account Number(s):
1. 032204-9052-05
2. 032204-9093-06
3. 023900-0352-07
4. 032204-9090-09
5. 032204-9006-02
6. 022204-9015-02

TOTAL NUMBER OF PAGES 12
(INCLUDING THIS COVER SHEET AND ALL EXHIBITS AND ATTACHMENTS)