ORDINANCE NO. 3343

AN ORDINANCE of the City of Kent, Washington, providing for the acquisition of certain property and/or property rights in order to construct, extend, improve, alter maintain and reconstruct the City's "Soos Creek Well Improvements" project; providing for the condemnation, appropriation, taking and damaging of such property rights as are necessary for that purpose; providing for the payment thereof out of the Soos Creek Well Improvements Fund (Fund W-41); and directing the City Attorney to prosecute the appropriate legal proceedings, together with the authority to enter into settlements, stipulations or other agreements; all of said property located within King County, Washington.

WHEREAS, the acquisition of property and/or property rights and the construction of the Soos Creek Well Improvements Project (the "Project") is an important part of the City's Capital Facilities Plan for water system improvements; and

WHEREAS, the City has attempted to negotiate the purchase of all necessary property and/or property rights for the Project from the property owners and has reached an impasse with the owner whose property is described in Exhibit A; and

WHEREAS, in view of the impasse reached with the property owner, the City Council has determined to condemn the property and/or property rights necessary for completion of the Project. NOW, THEREFORE,
THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON,
ORDAINS AS FOLLOWS:

SECTION 1. After hearing the report of City staff, and after reviewing the planned improvements for the Soos Creek Well Improvements Project (the "Project"), the City Council finds and declares that the public convenience, use, health, safety and necessity demand that the City of Kent condemn, appropriate, take and damage portions of certain real property located in King County, Washington, in order to acquire the necessary property and/or property rights for the construction of the Project, including all necessary appurtenances. This parcel is legally described in Exhibit A, attached and incorporated by this reference (the "Property"). The purposes for which this condemnation is authorized shall include, without limitation, all acts necessary to complete the construction, extension, improvement, alteration, maintenance and reconstruction of the Project.

SECTION 2. The City authorizes the acquisition by condemnation of all or a part of the Property for the construction, extension, improvement, alteration, maintenance and reconstruction of the Project, including acquisition of property and/or property rights, together with all necessary appurtenances and related work to make a complete improvement according to City standards.

SECTION 3. The City shall condemn the Property 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 "Soos Creek Well Improvements" fund (Fund W-41) 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 Property. In commencing these condemnation procedures, the City Council 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 property condemned, and the acquisition of temporary 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, being the exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect and be in force five (5) days after publication of the attached summary, which is hereby approved.

JIM WHITE, MAYOR

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ATTEST:

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

ROGER A. LUBOVICH, CITY ATTORNEY

PASSED the 1st day of April, 1997.

APPROVED the 2nd day of April, 1997.

PUBLISHED the 4th day of April, 1997.

I hereby certify that this is a true and correct copy of Ordinance No. 3343 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
SUMMARY OF ORDINANCE NO. 3343
of the City of Kent, Washington

On the 1 day of April, 1997, the City Council of the City of Kent, Washington, passed Ordinance No. 3343. A summary of the content of this ordinance, consisting of its title, provides as follows:

AN ORDINANCE OF THE CITY OF KENT, WASHINGTON, PROVIDING FOR THE ACQUISITION OF CERTAIN PROPERTY AND/OR PROPERTY RIGHTS IN ORDER TO CONSTRUCT, EXTEND, IMPROVE, ALTER MAINTAIN AND RECONSTRUCT THE CITY'S "SOOS CREEK WELL IMPROVEMENTS" PROJECT; PROVIDING FOR THE CONDEMNATION, APPROPRIATION, TAKING AND DAMAGING OF SUCH PROPERTY RIGHTS AS ARE NECESSARY FOR THAT PURPOSE; PROVIDING FOR THE PAYMENT THEREOF OUT OF THE SOOS CREEK WELL IMPROVEMENTS FUND (FUND W-41); AND DIRECTING THE CITY ATTORNEY TO PROSECUTE THE APPROPRIATE LEGAL PROCEEDINGS, TOGETHER WITH THE AUTHORITY TO ENTER INTO SETTLEMENTS, STIPULATIONS OR OTHER AGREEMENTS; ALL OF SAID PROPERTY LOCATED WITHIN KING COUNTY, WASHINGTON.

The full text of this Ordinance will be mailed upon request.

DATED this 4 day of April, 1997.

BRENDA JACOBER, CITY CLERK
That portion of the southwest quarter of the northwest quarter of Section 28, Township 22 North, Range 5 East, W.M., in King County, Washington, described as follows:

Beginning at a point on the center line of the Kent-Black Diamond Road No. 173, which point in 482 feet southeasterly of the west line of said Section 28 (measured along the center line of said road);

thence southeasterly along said road, 170 feet;

thence south to the south line of the northwest quarter of said section;

thence westerly along said south line to a point 329 feet east of the west line of said section;

thence northeasterly along the center line of said road 482 feet;

EXCEPT Kent-Kangley Highway (County Road Number 173, SSH Number 5); AND EXCEPT that portion conveyed to the State of Washington for Kent-Kangley Highway, (County Road No. 173, SSH No. 5-A) by deed recorded under Recording Number 7907060276. ALSO

That portion of the southwest quarter of the northwest quarter of Section 28, Township 22 North, Range 5 East, W.M., in King County, Washington, described as follows:

Beginning at the point of intersection of section line between Sections 28 and 29, said Township and Range with the center line of Kent-Black Diamond Road, known as Road No. 173;

thence in a southeasterly direction along the center line of said road 482 feet;

thence southwesterly 436 feet, more or less, to a point in the quarter line running east and west through said Section 28, which is 329 feet east of said section line;

thence west along said quarter line to the west line of said Section 28;

thence north to the point of beginning;

EXCEPT portion described as follows:

Beginning at a point of intersection of section line between said Sections 28 and 29 with the center line of Kent-Black Diamond Road; thence southeasterly 290 feet;

thence southwesterly 525 feet, more or less, to the south line of said southwest quarter which is 155 feet east of said section line; thence west along said south line to the west line of said section;

thence north to point of beginning; and

EXCEPT portion thereof lying within Kent-Black Diamond Road; AND EXCEPT portion condemned under King County Superior Court Cause Number 80-2-12898-1.
ORDINANCE NO. 3343

Grantor(s): Karen Rose Rehkop

Grantee(s): City of Kent

Legal Description:
1. Abbreviated form: SW quarter of the NW quarter of Section 28, Township 22 North, Range 5 East, W.M., in King County, Washington

2. Additional legal description is on page 6 of document.

Assessor's Property Tax Parcel Account Number(s): 282205-9013 and 282205-9092

TOTAL NUMBER OF PAGES: 7
(INCLUDING THIS COVER SHEET AND ALL EXHIBITS AND ATTACHMENTS)