ORDINANCE NO. 3369

AN ORDINANCE of the City of Kent, Washington, providing for the acquisition of certain property and/or property rights in order to construct, extend, widen, improve, alter, maintain and reconstruct Southeast 277th Street between East Valley Highway (Auburn Way North) and the Green River; 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 272nd Corridor Project Fund (Fund R-87); 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 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 Southeast 277th Street Corridor 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 (3 pages), 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, widening, alteration, maintenance and reconstruction of the Project, including improvements for drainage, curbs and gutters, sidewalks, bicycle paths, 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 Property.

SECTION 2. The City authorizes the acquisition by condemnation of all or a part of the Property for the construction, extension, improvement, widening, 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 "272nd Street Corridor Project" fund (Fund R-87) 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

ATTEST:

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

ROGER A. LUBOVICH, CITY ATTORNEY
PASSED the 18 day of Nov., 1997.

APPROVED the 18 day of Nov., 1997.

PUBLISHED the 21 day of Nov., 1997.

I hereby certify that this is a true and correct copy of Ordinance No.3367 passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

BRENDA JACOBER
BRENDA JACOBER, CITY CLERK
That portion of Section 31, Township 22 North, Range 5 East, W.M., in King County, Washington described as follows:

Commencing at northeast corner of the W.A. Cox D.L.C. Number 38, which point is also the southeast corner of the R.H. Beatty D.L.C. Numbers 37 and 44 and the northwest corner of the G.E. King D.L.C. Number 40; thence along the north line of said Cox D.L.C. South 88°59'57" East 2,255.72 feet more or less to a point on the southwesterly property line of that portion conveyed to King County and recorded under King County Auditor's File Number 8000790002 thence North 46°26'33" West along said southwesterly line 489.44 feet to the TRUE POINT OF BEGINNING; thence North 46°26'33" West along said southwesterly line 300.00 feet; thence North 42°27'34" West 211.00 feet; thence North 30°01'53" West 292.00 feet; thence North 14°01'53" West 211.00 feet; thence North 03°31'53" West 247.00 feet; thence North 51°31'53" West 157.00 feet; thence South 31°52'38" East 224.37 feet; thence South 00°38'01" East 337.47 feet; thence South 31°52'01" East 421.53 feet; thence South 52°25'19" East; 409.49 feet to the TRUE POINT OF BEGINNING.

AREA = 41,902 S.F.
The land referred to in this commitment is situated in the county of King, state of Washington, and described as follows:

That portion of Sections 30 and 31, Township 22 North, Range 5 East, W.M., in King County, Washington, described as follows:

Commencing at the West quarter corner of said Section 30, Township 22 North, Range 5 East W.M., in King County, Washington; thence along the East-West centerline of said Section 30, south 89°01'26" east 1,224.49 feet distant to a point on the line of ordinary highwater of the Green River; thence continuing along said centerline of Section 30, south 89°01'26" east 773.52 feet distant to a point on a line concentric with and 150 feet westerly of the top of the left bank of the Green River, said point lying west 89°01'26" west 488.61 feet from the existing King County Survey Monument at the center of said Section 30; thence Southerly along said line the following courses:

south 20°43'19" west 101.57 feet, south 38°39'10" west 478.32 feet, south 08°32'59" west 301.18 feet, south 26°18'26" east 426.94 feet, south 47°15'03" east 323.00 feet, south 43°24'22." east 349.22 feet, to the TRUE POINT OF BEGINNING; thence south 43°24'22." east 126.51 feet, south 28°05'37" east 264.54 feet, south 11°05'28" east 349.22 feet, south 24°36'53" east 137.00 feet, south 48°51'53" east 163.00 feet, south 58°26'53" east 323.00 feet, south 69°30'10" east 382.78 feet, south 51°31'53" east 157.00 feet, south 03°31'53" east 247.00 feet, south 14°01'53" east 211.00 feet, south 30°01'53" east 292.00 feet, south 42°27'34" east 172.51 feet, south 46°26'33" east 789.44 feet, to a point on the easterly extension of the south line of the R.H. Beatty D.L.C. Numbers 37 and 44; thence north 89°00'01" west along said line a distance of 2,255.93 feet to the northeast corner of the Cox D.L.C., which point is also the southeast corner of said R.H. Beatty D.L.C. Numbers 37 and 44 and northwest corner of the G.S. King D.L.C. Number 40; thence along the east line of said Beatty D.L.C. north 00°35'06" east 2,638.59 feet to the northeast corner of the Beatty D.L.C.; thence south 88°56'30" east 112.95 feet to the TRUE POINT OF BEGINNING.
That portion of Section 31, Township 22 North, Range 5 East, W.M., in King County, Washington described as follows:

Beginning at the northeast corner of the W.A. Cox D.L.C. Number 38, which point is also the southeast corner of the R.H. Beatty D.L.C. Numbers 37 and 44 and the northwest corner of the G.E. King D.L.C. Number 40; thence along the east line of said Beatty D.L.C. North 00°34'55" East 98.00 feet; thence South 89°40'09" East 848.81 feet; thence North 83°55'53" East 1,145.32 feet more or less to a point on the southwesterly property line of that portion conveyed to King County and recorded under King County Auditor's File Number 8003079002; thence South 46°26'33" East along said southwesterly line 367.99 feet to the north line of said G.E. King D.L.C.; thence North 88°59'57" West along said north line 2,255.72 feet to the POINT OF BEGINNING.

AREA = 323,860 S.F.