ORDINANCE NO. 3389

AN ORDINANCE of the City of Kent, Washington, providing for the acquisition of certain properties and/or property rights in order to construct, extend, widen, improve, alter, maintain and reconstruct the City's South 196th Street Corridor between the Corridor's western terminus at its intersection with Orillia Road and the intersection with West Valley Highway; 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 196th Corridor Project Fund (Fund R-82); 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 South 196th Street Corridor Project between the Corridor's western terminus at its intersection with Orillia Road and the intersection with West Valley Highway (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. These parcels are 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, 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 "196th Street Corridor Project" fund (Fund R-82) 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 passage, approval and publication as provided by law.

[Signature]
JIM WHITE, MAYOR

ATTEST:

[Signature]
BRENDA JACOBER, CITY CLERK, Acting

[Signature]
DONNA SWAW

APPROVED AS TO FORM:

[Signature]
ROGER A. LUBOVICH, CITY ATTORNEY
PASSED the 3rd day of February, 1998.

APPROVED the 4th day of February, 1998.

PUBLISHED the 6th day of February, 1998.

I hereby certify that this is a true and correct copy of Ordinance No. 3389 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, CITY CLERK, acting
The land referred to in this commitment is situated in the county of King, state of Washington, and described as follows:

PARCEL A:

Lot 2 of Southcenter Corporate Park Short Plat I, as described and delineated on City of Kent Resolution No. SPC-80-14 and recorded under King County Recording Number 8012110583; EXCEPT that portion thereof conveyed to the City of Kent, by Recording Number 8012090012 as delineated on said Short Plat.

PARCEL B:

All of Lot 3 and a portion of Lot 4, as shown upon that certain map entitled Southcenter Corporate Park Short Plat I, in the City of Kent, King County, State of Washington, as recorded under Recording Number 8012110583, said portion of Lot 4, described as follows:

Beginning at the most westerly corner of said Lot 4; thence along the northwesterly line of said Lot, north 31°38'31" east, 398.97 feet to a northwesterly corner of said Lot 4 and the southerly line of Lot 2 of said Southcenter Corporate Park Short Plat I; thence along the northeasterly line of said Lot 4 and the southerly line of said Lot 2, south 58°21'26" east, 45.98 feet to the most southerly corner of said Lot 2; thence parallel with said northwesterly line of Lot 4, south 31°38'31" west, 371.42 feet to the southerly line of said Lot 4; thence along said southerly line, north 89°18'01" west, 53.61 feet to the point of beginning; EXCEPT that portion of Lot 3 as conveyed to the City of Kent by Recording Number 8012090012 as delineated on said short plat.

END OF SCHEDULE A
ORDINANCE NO. 3389

Grantor(s): City of Kent

Grantee(s): City of Kent

Legal Description:
1. Abbreviated form: Lot 2 and Lot 3 & ptn of Lot 4, SOUTHCENTER Corp. Park Short Plat I.

2. Additional legal description is on pages 5 of document.

Assessor's Property Tax Parcel Account Number(s):

022204-9052

TOTAL NUMBER OF PAGES 6
(INCLUDING THIS COVER SHEET AND ALL EXHIBITS AND ATTACHMENTS)