ORDINANCE NO. 3392

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 a Wetland Mitigation Site for the City’s 196th Street Corridor 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 196th Street Corridor--West Leg--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.

WHEREAS, the acquisition of property and/or property rights and the construction of the City’s 196th Street Corridor Project (the “Project”) is an important part of the City’s Transportation Improvement Plan; and

WHEREAS, a key element to proceed with construction of the western portion of the 196th Street Corridor is obtaining an Army Corps of Engineers permit, which will require the City to construct a Wetland Mitigation Site to mitigate for the loss of approximately 0.99 acres of wetland caused by the construction of the Project; and

WHEREAS, the City Council has determined to condemn the property and/or property rights necessary for construction of the Wetland Mitigation Site and 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 196th Street Corridor Project, specifically including the
Wetland Mitigation Site (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 all or 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 196th Street Corridor--West
Leg--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 publication as provided by law.

ATTEST:

BRENDA JACOBER, CITY CLERK
I hereby certify that this is a true and correct copy of Ordinance No. 3392, 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 JACOBE, CITY CLERK
The land referred to in this commitment is situated in the county of King, state of Washington, and described as follows:

The south half of the southwest quarter of the northeast quarter of Section 10, Township 22 North, Range 4 East, W.M., in King County, Washington;
EXCEPT that portion described as follows:

Commencing at the southwest corner of said southwest quarter of the northeast quarter of Section 10, Township 22 North, Range 4 East, W.M., in King County, Washington;
thence northerly to the northeast corner of the intersection of South 216th Street and 42nd Avenue South, which is the TRUE POINT OF BEGINNING;
thence north along the easterly margin of 42nd Avenue South a distance of 208.7 feet;
thence east at right angles to the west boundary of said southwest quarter a distance of 208.7 feet;
thence south parallel to the west boundary of said southwest quarter a distance 208.7 feet;
thence west at right angles to the west boundary of said southwest quarter and along the northerly boundary of South 216th Street a distance of 208.7 feet to the point of beginning;
AND EXCEPT the east 646 feet thereof;
AND EXCEPT that portion lying within Drainage Ditch Number 2;
AND EXCEPT that portion in South 216th Street and 42nd Avenue South.

END OF SCHEDULE A

NOTE FOR INFORMATIONAL PURPOSES ONLY:

The following may be used as an abbreviated legal description on the documents to be recorded, per amended RCW 65.04. Said abbreviated legal description is not a substitute for a complete legal description within the body of the document.

NE 1/4 10-22-04
ORDINANCE NO. 3392

Grantor(s): City of Kent

Grantee(s): City of Kent

Legal Description:
1. Abbreviated form: N 1/4 10-22-04

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

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

102204-9005

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