Ordinance No. 3394

["Beginning July 1, 1998"]

(Amending or Repealing Ordinances)

REPEALED in its entirety by Ord. 3571
AN ORDINANCE of the City of Kent, Washington, providing for the acquisition of certain property and/or property rights for parks, recreation and any other public purpose; providing for the condemnation, appropriation, taking and damaging of such property rights as are necessary for those purposes; providing for the payment thereof out of the "Land Acquisition Account"--Capital Improvement Fund (Fund P-49); 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 parks, recreation and other public facilities, specifically including ballfields, is an important part of the City's long-range Capital Improvement Plan; and

WHEREAS, the City has attempted to negotiate the purchase of all necessary property and/or property rights for these purposes 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 purchase the property through condemnation. 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 City's parks and recreation Capital Improvement Plan, 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 certain real property located in King County, Washington. 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, parks, recreation and any other public purpose, specifically including all acts necessary to complete the construction, extension, improvement, alteration, maintenance and reconstruction of ballfields and other parks and recreation facilities.

SECTION 2. The City authorizes the acquisition of the Property by condemnation of those property and/or property rights necessary for parks, recreation and any other public purpose, specifically including all acts necessary to complete the construction, extension, improvement, alteration, maintenance and reconstruction of parks and recreation facilities, 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 "Land Acquisition Account"-- Capital Improvement Program fund (Fund P-49) 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
APPROVED AS TO FORM:

ROGER A. LUBOVICH, CITY ATTORNEY

PASSED the __ day of __, 1998.
APPROVED the __ day of __, 1998.
PUBLISHED the __ day of __, 1998.

I hereby certify that this is a true and correct copy of Ordinance No. 3374, 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

P:\LAW\ORDINANCE\CONDEM04 PRK
EXHIBIT A  
Page 1 of 2  

DESCRIPTION  

ORDER NO. 349925-3  

THE LAND REFERRED TO HEREIN IS DESCRIBED AS FOLLOWS:  

THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 22 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON;  
EXCEPT DRAINAGE DISTRICT NO. 2 RIGHT OF WAY, AS CONDEMNED IN PROCEEDINGS IN KING COUNTY SUPERIOR COURT CASE NO. 47302 ON OCTOBER 9, 1905;  
ALSO EXCEPT THAT PORTION THEREOF LYING WITHIN 42ND AVENUE SOUTH, 60 FEET IN WIDTH, FORMERLY KNOWN AS WILLIAM A. JOHNSON COUNTY ROAD NO. 1423;  
AND EXCEPT THAT PORTION THEREOF LYING WITHIN SOUTH 212TH STREET 84 FEET IN WIDTH, ALSO KNOWN AS ORILLIA ROAD, AS DESCRIBED IN DEED RECORDED UNDER RECORDING NO. 5954743;  
TOGETHER WITH THOSE PORTIONS OF SECTIONS 2, 3, 10 AND 11 OF TOWNSHIP 22 NORTH, SAID RANGE 4 EAST, W.M., DESCRIBED AS FOLLOWS:  

BEGINNING ON THE SECTION LINE BETWEEN SAID SECTIONS 2 AND 3 AT A POINT WHICH IS NORTH 2°02'29" WEST 216 FEET FROM THE CORNER COMMON TO SAID SECTIONS 2, 3, 10 AND 11;  
THENCE SOUTH 89°02'13" WEST 826.85 FEET TO AN OLD FENCE;  
THENCE NORTH ALONG SAID FENCE LINE 320 FEET, MORE OR LESS, TO THE SOUTH LINE OF A TRACT OF LAND CONVEYED BY MORGAN O'BRIEN AND WIFE TO RICHARD O'CONNELL BY DEED RECORDED IN VOLUME 13 OF DEEDS, PAGE 654, RECORDS OF SAID COUNTY;  
THENCE WEST ALONG THE SOUTH LINE OF SAID O'CONNELL TRACT 500 FEET, MORE OR LESS, TO THE WEST LINE OF SOUTHEAST QUARTER OF SAID SECTION 3;  
THENCE SOUTH 1°42'36" EAST 537.90 FEET TO THE SOUTHWEST CORNER OF SAID SUBDIVISION;  
THENCE SOUTH 0°12'04" EAST ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF NORTHEAST QUARTER OF NORTHEAST QUARTER OF SAID SECTION 10, A DISTANCE OF 250.72 FEET;  
THENCE SOUTH 89°56'07" EAST 2187.98 FEET;  
THENCE SOUTH 40°56' EAST 147.30 FEET;  
THENCE SOUTH 82°58' EAST 342 FEET, MORE OR LESS, TO THE WEST BANK OF WHITE RIVER;  
THENCE NORTHERLY ALONG SAID WEST BANK TO A POINT NORTH 89°02'13" EAST OF THE POINT OF BEGINNING;  
THENCE SOUTH 89°02'13" WEST TO THE POINT OF BEGINNING;  
EXCEPT THAT PORTION CONTAINED WITHIN THE FOLLOWING TRACT:  

(CONTINUED)
DESCRIPTION CONT.

ORDER NO. 349925-3

BEGINNING AT A POINT NORTH 77°58' EAST 311.85 FEET FROM THE SOUTHWEST CORNER OF SAID SECTION 2;
THENCE NORTH 88°55' EAST 365.59 FEET;
THENCE NORTH 39°50' WEST 88.30 FEET;
THENCE NORTH 29°55' WEST 65.10 FEET;
THENCE NORTH 70°27' WEST 40.80 FEET;
THENCE NORTH 89°20' WEST 229.70 FEET;
THENCE SOUTH 3°13' WEST 143.90 FEET TO THE POINT OF BEGINNING;

AND EXCEPT PORTIONS THEREOF LYING WITHIN FRAGER ROAD SOUTH (COUNTY ROAD NO. 76).

SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON.

THE DESCRIPTION CAN BE ABBREVIATED AS SUGGESTED BELOW IF NECESSARY TO MEET STANDARDIZATION REQUIREMENTS. THE FULL TEXT OF THE DESCRIPTION MUST APPEAR IN THE DOCUMENT(S) TO BE INSURED.

SECTION 10 TOWNSHIP 22 RANGE 4 NORTH HALF OF THE NE QUARTER.

AND

SECTION 11 TOWNSHIP 22 RANGE 4 NW QUARTER NW QUARTER.

AND

SECTION 3 TOWNSHIP 22 RANGE 4 SE QUARTER SE QUARTER.

AND

SECTION 2 TOWNSHIP 22 RANGE 4 SW QUARTER SW QUARTER.
NOTICE

This Sketch is furnished as a courtesy only by First American Title Insurance Company and it is NOT a part of any title commitment or policy of title insurance.

This sketch is furnished solely for the purpose of assisting in locating the premises and does not purport to show all highways, roads, or easements affecting the property. No reliance should be placed upon this sketch for the location or dimensions of the property and no liability is assumed for the correctness thereof.
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ORDER NO. 349925-3

SEC 11 TWP 22 RNG 4

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ORDER NO. 349925-3
SEC 21, TWP 22, RNG 4

EXHIBIT B Page 4 of 4
ORDINANCE NO. 3394

Grantor(s): City of Kent

Grantee(s): City of Kent

Legal Description:
1. Abbreviated form:
   10-22-04 N 1/2 of the NE 1/4
   11-22-04 NW 1/4 NW 1/4
   03-22-04 SE 1/4 SE 1/4
   02-22-04 SW 1/4 SW 1/4

2. Additional legal description is on pages 5 & 6 of document.

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

   102204-9175
   102204-9003
   102204-9001
   032204-9024
   112204-9007
   022204-9018

TOTAL NUMBER OF PAGES 11
(INCLUDING THIS COVER SHEET AND ALL EXHIBITS AND ATTACHMENTS)