ORDINANCE NO. 3399

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. The two properties affected by this ordinance are
legally described in Exhibit A, attached and incorporated by this reference (the "Properties"). 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 Properties.

**SECTION 2.** The City authorizes the acquisition by condemnation of all or a part of the Properties 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 Properties 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 Properties. 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.

JIM WHITE, MAYOR

ATTEST:

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

ROGER A. LUBOVICH, CITY ATTORNEY
PASSED the 21 day of April, 1998.

APPROVED the 22 day of April, 1998.

PUBLISHED the 24 day of April, 1998.

I hereby certify that this is a true and correct copy of Ordinance No.3311, 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
PROPERTY NO. 1:

PARCEL NO. 155317-9 (KRAKAN)

Lot 9, Block 6, Southcenter Corporate Park, according to the plat thereof recorded in Volume 114 of Plats, pages 36 through 42, inclusive, in King County, Washington.

SEE ATTACHED "NOTICE OF SETTLEMENT"

PROPERTY NO. 2:

PARCEL NO 155314-8 (POOL/MANNING)

Lot 8, Block 6, Southcenter Corporate Park, according to the plat thereof recorded in Volume 114 of Plats, pages 36 through 42, inclusive, in King County, Washington;
EXCEPT the southwesterly 60.39 feet thereof.
NOTICE OF SETTLEMENT
Ord. 3399, Property No. 1, Parcel No. 155317-9 (Kranak)

Pursuant to the authority given the City Attorney under Section 5 of City of Kent Ordinance No. 3399, the City has settled all eminent domain claims established under that ordinance as to Property No. 1, Parcel No. 155317-9 (Kranak), which is more particularly described as follows:

Lot 9, Block 6, Southcenter Corporate Park, according to the plat thereof recorded in Volume 114 of Plats, pages 36 through 42, inclusive, in King County, Washington.

Accordingly, Ordinance No. 3399 does not apply to or in any way encumber this property.

OFFICE OF THE CITY ATTORNEY

By: Tom Brubaker
Title: Assistant City Attorney
Date: July 16, 1998

STATE OF WASHINGTON)
COUNTY OF KING )

I certify that I know or have satisfactory evidence that Tom Brubaker is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he/she was authorized to execute the instrument, and acknowledged it as the Assistant City Attorney of the City of Kent to be the free and voluntary act of the City of Kent for the uses and purposes mentioned in the instrument.

DATED: July 16, 1998

NOTARY PUBLIC, in and for the State of Washington, residing at
My commission expires 12/17/01.
Attn: Brenda Jacober, City Clerk
City of Kent
220 Fourth Avenue South
Kent Washington 98032

ORDINANCE NO. 3399

Grantor(s): City of Kent

Grantee(s):

Legal Description: (abbreviated)

Additional Legal is on page ___ of document(s).

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

THIS DOCUMENT CONTAINS THIS COVERSHEET AND ___ ADDITIONAL PAGES.