ORDINANCE NO. 3441

AN ORDINANCE of the City of Kent, Washington, providing for the acquisition of certain surface and/or aerial property and/or property rights in order to construct, extend, widen, improve, alter, maintain and reconstruct the City's South 196th Street Corridor lying generally between the intersection with West Valley Highway and the Union Pacific Railroad right-of-way; providing for the condemnation, appropriation, taking and damaging of such surface and aerial 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 (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 surface and/or aerial property and/or property rights for the construction of the Project, including all necessary appurtenances. The property affected by this ordinance is legally described in Exhibit A, attached and incorporated by this reference (the "Property"). The purposes
 SECTION 4. The City shall pay for the entire cost of the acquisition by condemnation provided for in this ordinance through the City's "Middle Leg" fund (Fund R-92) 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 condemnation proceedings required by law that are necessary to condemn the Property.

In commencing these condemnation proceedings, 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.

SECTION 2. The City authorizes the acquisition by condemnation of surface and/or aerial property or property rights over all or part of the Property for the construction, extension, improvement, widening, alteration, maintenance and reconstruction of the Project, 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.

In commencing these condemnation proceedings, 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 7 day of July, 1998.
APPROVED the 8 day of July, 1998.
PUBLISHED the 10 day of July, 1998.

I hereby certify that this is a true and correct copy of Ordinance No. 3411, 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
PARCEL NO. 25
WESTERN PROCESSING COMPANY

That portion of the SE 1/4 of the NW 1/4 of Section 1, Township 22 North, Range 4 East, W.M., described as follows:

BEGINNING at the intersection of the South line of the North 30 feet of the said SE 1/4, with the West line of the said SE 1/4;

Thence South 88°40'30" East along said South line 405.33 feet to its intersection with the Westerly line of the Seattle-Tacoma Interurban Railway right-of-way;

Thence South 1°00'30" West along said Westerly line 90.00 feet;

Thence North 82°54'01" West 347.86 feet;

Thence North 1°19'30" East 10.00 feet;

Thence North 88°40'30" West 60.00 feet to the said West line of the SE 1/4;

Thence North 1°39'45" East along said West line 45.00 feet to the POINT OF BEGINNING.

EXCEPT that portion thereof lying within a strip of land 30 feet in width condemned for drainage ditch in King County Superior Court Cause Number 32912.

Containing 25,850 square feet (0.64 acres) more or less.

EXHIBIT A
Attn: Brenda Jacober, City Clerk  
City of Kent  
220 Fourth Avenue South  
Kent Washington 98032

ORDINANCE NO. 3411

Grantor(s): City of Kent

Grantee(s):

Legal Description: (abbreviated)  
Additional Legal is on page 1 attached as exhibit A

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

THIS DOCUMENT CONTAINS THIS COVERSHEET AND 5 ADDITIONAL PAGES.
ORDINANCE

No. 3411

Acquisition of certain surface and/or aerial property and/or property rights in order to construct, extend, widen, improve, alter, maintain and reconstruct the City's S. 196th St. Corridor lying between the intersection with W/VH and Union Pacific Railroad right-of-way.

(Condemnation of Parcel 25 of the Western Processing Company)