ORDINANCE NO. 3422

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 Southeast 277th Street Corridor between the Corridor's eastern terminus (at the intersection of 116th Avenue Southeast and the Kent Kangley Road (SR 516)) and the Green River; 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 272nd Corridor Project Fund (Fund R-87); 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 Southeast 277th 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 all or portions of certain real properties 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 properties are legally described in Exhibits A through G, 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 "272nd Street Corridor Project" fund (Fund R-87) 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 publication as approved by law.

JIM WHITE, MAYOR

ATTEST:

BRENDA JACOBER, CITY CLERK, DEPUTY

APPROVED AS TO FORM:

ROGER A. LUBOVICH, CITY ATTORNEY
PASSED the 6 day of October 1998.

APPROVED the 7 day of October, 1998.

PUBLISHED the 9 day of October, 1998.

I hereby certify that this is a true and correct copy of Ordinance No. 3423 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

DONNA SWAW, DEPUTY
South half of north 4 acres of north half of southeast quarter of northeast quarter of southeast quarter of Section 29, Township 22 North, Range 5 East, W.M. in King County, Washington: EXCEPT County Road.

EXHIBIT A
That portion of the southeast quarter of the northeast quarter of Section 29, Township 22 North, Range 5 East, W.M., in King County, Washington, described as follows:

Beginning at a point on the east line of said section where the south margin of the right-of-way for County Road No. 173 crosses the east line of said section;

thence south along the east line of said Section 29, to the southeast corner of the northeast quarter of said Section 29;

thence west along the south line of the northeast quarter of said Section 29, a distance of 33.15 rods;

thence north a distance of 56.575 rods, more or less, to the south margin of said County Road No. 173;

thence southeasterly along said line of said County Road margin, to the point of beginning;

EXCEPT the west 3 acres thereof;

AND EXCEPT the north 290 feet of the south 419 feet of the east 150 feet thereof;

AND EXCEPT that portion thereof described as the northerly 20 feet in width of the east 261.61 feet of that portion of the southeast quarter of the northeast quarter of said Section 29, lying southerly of SSH No. 5A and as measured along said SSH No. 5A as conveyed to King County for road by deed recorded under Recording Number 6108247;

AND EXCEPT that portion thereof condemned for Kent-Kangley Highway (SR516) under King County Superior Court Cause Number 79-2-05251-5;

AND EXCEPT the east 30 feet thereof as conveyed to King County by deeds recorded under Recording Numbers 8703110457 and 9104250382.

EXHIBIT B
The east 30 feet of the south 75 feet of the north 215 feet of the south 419 feet of the east 150 feet of the southeast quarter of the northeast quarter of Section 29, Township 22 North, Range 5 East, W.M., in King County, Washington; EXCEPT the east 25 feet thereof conveyed to King County by Warranty Deed Recorded December 23, 1991 under King County Recording Number 9112231852.
Lot A, King County Short Plat Number 475049, recorded under Recording Number 7604210673, said Short Plat being a subdivision of the southwest quarter of the northwest quarter of the southwest quarter of Section 28, Township 22 North, Range 5 East, W.M., in King County, Washington.
Lot 2, King County Short Plat Number 279081, recorded under King County Recording Number 8006130567; said Short Plat being a portion of the northeast quarter of the northeast quarter of Section 32, Township 22 North, Range 5 East, W.M., in King County, Washington.
Lot 1, King County Short Plat No. 279080, according to the Short Plat recorded under Recording Number 8006130568, being a portion of the following described property:

The southeast quarter of the northwest quarter of the northeast quarter of Section 32, Township 22 North, Range 5 East, W.M., in King County, Washington; EXCEPT the north 20 feet thereof for Southeast 274th Street;

TOGETHER WITH a non-exclusive easement for ingress, egress and utilities over that portion of Lots 1, 2, 3 and 4 of said Short Plat being designated on the face of said Short Plat as Tract "X"; EXCEPT portion thereof lying within the herein described main tract.

EXHIBIT E
That portion of the southwest quarter of the northwest quarter of Section 28, Township 22 North, Range 5 East, W.M., in King County, Washington, described as follows:

Beginning at the intersection of the section line between Sections 28 and 29, said Township and Range, with the centerline of the Kent-Black Diamond Road, known as County Road Number 173; thence in a southeasterly direction along the center of said road a distance of 290 feet; thence southwesterly 525 feet, more or less, to a point on the south line of said southwest quarter of the northwest quarter of said Section 28, which point is 155 feet east of said section line; thence west along said south line to the west line of said section; thence north to the point of beginning; EXCEPT County Roads; AND EXCEPT that portion thereof condemned in King County Superior Court Cause Number 79-2-05602-2 for State Highway Number SR516; AND EXCEPT that portion thereof conveyed to King County by deed recorded under Recording Number 9103281199.

EXHIBIT G
ORDINANCE NO. 3422

GRANTOR(S): Various

GRANTEE(S): City of Kent, Washington

LEGAL DESCRIPTION:
Short form: Portions of:
- SW1/4, NW1/4, SW1/4, SEC28, TWP22N, R5E
- SW1/4, NW1/4, SEC28, TWP22N, R5E
- SE1/4, NE1/4, SEC29, TWP22N, R5E
- SE1/4, NE1/4, SE1/4, SEC29, TWP22N, R5E
- NE1/4, NE1/4, SEC32, TWP22N, R5E
- SE1/4, NW1/4, NE1/4, SEC32, TWP22N, R5E

Additional legal description is on page 5-11, Exhibits A-G of document.

ASSESSOR'S PROPERTY TAX PARCEL ACCOUNT NUMBER(S):

N/A

NOTE: This is an eminent domain ordinance passed by the City of Kent that affects various property parcels.

THIS DOCUMENT CONTAINS 12 PAGES INCLUDING THIS COVERSHEET.
ORDINANCE

No. 3422

Acquisition of certain properties and/or property rights to construct, extend, widen, improve, alter, maintain and reconstruct SE 277th Street Corridor between eastern terminus (at intersection of 116th Ave SE and Kent-Kangley Rd (SR 516) and Green River; providing for condemnation, appropriation, taking and damaging of such property rights as necessary for that purpose.