ORDINANCE NO. 3450

AN ORDINANCE of the City of Kent, Washington, providing for the acquisition of a certain property and/or property rights in order to construct, improve, alter, operate, maintain and reconstruct buildings, structures or other facilities for cultural arts, parks, recreation, administrative and any other related municipal purposes in an area lying generally north of Smith Street, east of James Street, east of Fourth Avenue, and west of the Burlington Northern Santa Fe Railway mainline right-of-way in the City of Kent; providing for the condemnation, appropriation, taking and damaging of such property rights as are necessary for any and all of the above-mentioned purposes; providing for the payment thereof through the issuance of general obligation bonds with interim financing from the City's water fund; declaring the City Council's intent to issue general obligation bonds for the property acquisition; 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 proposed Kent Cultural Arts Center (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 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 construct, improve, alter, operate, maintain and reconstruct buildings, structures or other facilities for cultural arts, parks, recreation, administrative and any other related municipal purposes.

SECTION 2. The City Council authorizes the acquisition of property and/or property rights by condemnation of all or a part of the Property for the purposes established in Section 1, together with all necessary appurtenances and related work to make a complete improvement according to City standards.

SECTION 3. The City Council 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 Council shall pay for the entire cost of the acquisition by condemnation provided for in this ordinance through the issuance of general obligation bonds with interim financing from the City’s water fund or from any of the City’s general funds, if necessary, as may be provided by law.

SECTION 5. The City intends to pay for the entire cost of the acquisition by condemnation provided for in this ordinance from the issuance of general obligation bonds or from any of the City’s general funds, if necessary, as may be provided by law. Accordingly, the City Council also declares its intent to issue general obligation bonds for this property acquisition. Further, to the extent interim financing is required, the City may apply funds from the City’s water fund or from any of the City’s general funds, if necessary.
SECTION 6. The City Council authorizes and directs the City Attorney to commence those proceedings authorized by law that are necessary to condemn the Property. In commencing this condemnation procedure, 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 properties condemned, and the acquisition of temporary construction easements and other property interests.

SECTION 7. Any acts consistent with the authority and prior to the effective date of this ordinance are ratified and confirmed.

SECTION 8. 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 9. 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.

ATTEST:

BRENDA JACOBER, CITY CLERK

JIM WHITE, MAYOR
APPROVED AS TO FORM:

ROGER A. LUBOVICH, CITY ATTORNEY

PASSED the 16 day of April, 1999.

APPROVED the 7 day of April, 1999.

PUBLISHED the 7 day of April, 1999.

I hereby certify that this is a true and correct copy of Ordinance No. 3450 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
EXHIBIT “A”

LEGAL DESCRIPTION

DESCRIPTION

PARCEL A:

LOTS 1 AND 2 IN BLOCK 1 OF RAMSAY’S ADDITION TO THE TOWN OF KENT, ACCORDING TO PLAT RECORDED IN VOLUME 16 OF PLATS AT PAGE(S) 89, IN KING COUNTY, WASHINGTON;
EXCEPT THE WEST 4 FEET THEREOF CONDEMNED IN KING COUNTY SUPERIOR COURT CAUSE NO. 7086854 FOR STREET PURPOSES;

TOGETHER WITH THAT PORTION OF VACATED ALLEY ADJOINING, WHICH UPON VACATION UNDER CITY OF KENT ORDINANCE NO. 2779, RECORDING NO. 8807130681, ATTACHED TO SAID PROPERTY BY OPERATION OF LAW.

PARCEL B:

LOTS 11 AND 12 IN BLOCK 1 OF RAMSAY’S ADDITION TO THE TOWN OF KENT, ACCORDING TO PLAT RECORDED IN VOLUME 16 OF PLATS AT PAGE(S) 89, IN KING COUNTY, WASHINGTON;

TOGETHER WITH THAT PORTION OF VACATED ALLEY ADJOINING AND VACATED NORTH THIRD AVENUE ADJOINING, WHICH UPON VACATION UNDER CITY OF KENT ORDINANCE NO. 2779, RECORDING NO. 8807130681, ATTACHED TO SAID PROPERTY BY OPERATION OF LAW.

PARCEL C:

LOTS 1 AND 2 AND THAT PORTION OF LOT 3 IN BLOCK 2 OF RAMSAY’S ADDITION TO THE TOWN OF KENT, ACCORDING TO PLAT RECORDED IN VOLUME 16 OF PLATS AT PAGE(S) 89, IN KING COUNTY, WASHINGTON, LYING NORTHERLY OF CHICAGO-MILWAUKEE ST. PAUL AND PACIFIC RAILROAD CO.’S RIGHT-OF-WAY;
DESCRIPTION CONT.

TOGETHER WITH THAT PORTION OF VACATED ALLEY ADJOINING AND VACATED NORTH THIRD AVENUE ADJOINING, WHICH UPON VACATION UNDER CITY OF KENT ORDINANCE NO. 2779, RECORDING NO. 8807130681, ATTACHED TO SAID PROPERTY BY OPERATION OF LAW.

PARCEL D:

THOSE PORTIONS OF LOTS 8, 9 AND 10 LYING NORTHERLY OF CHICAGO-MILWAUKEE ST. PAUL AND PACIFIC RAILROAD CO.'S RIGHT-OF-WAY, AND ALL OF LOTS 11 AND 12 IN BLOCK 2 OF RAMSAY'S ADDITION TO THE TOWN OF KENT, ACCORDING TO PLAT RECORDED IN VOLUME 16 OF PLATS AT PAGE(S) 89, IN KING COUNTY, WASHINGTON;

TOGETHER WITH THAT PORTION OF VACATED ALLEY ADJOINING AND VACATED NORTH SECOND AVENUE ADJOINING, WHICH UPON VACATION UNDER CITY OF KENT ORDINANCE NO. 2779, RECORDING NO. 8807130681, ATTACHED TO SAID PROPERTY BY OPERATION OF LAW.

EXCLUDE PARCEL E:

LOTS 1, 2, 3, 4, 5 AND 6 IN BLOCK 3 OF RAMSAY'S ADDITION TO THE TOWN OF KENT, ACCORDING TO PLAT RECORDED IN VOLUME 16 OF PLATS AT PAGE(S) 89, IN KING COUNTY, WASHINGTON;

TOGETHER WITH THAT PORTION OF VACATED SECOND AVENUE ADJOINING, WHICH UPON VACATION UNDER CITY OF KENT ORDINANCE NO. 2779, RECORDING NO. 8807130681, ATTACHED TO SAID PROPERTY BY OPERATION OF LAW.
DESCRIPTION CONT.

PARCEL F:

ALL THOSE PORTIONS OF LOTS 7, 8, 9, 10, 4 AND 3 IN BLOCK 2 AND ADJOINING THIRD AVENUE OF RAMSAY'S ADDITION TO THE TOWN OF KENT, ACCORDING TO PLAT RECORDED IN VOLUME 16 OF PLATS AT PAGE(S) 89, IN KING COUNTY, WASHINGTON, WHICH WOULD BE INCLUDED WITHIN A STRIP, BELT OR PIECE OF LAND 60 FEET IN WIDTH, HAVING 30 FEET OF SUCH WIDTH ON EACH SIDE OF THE CENTERLINE OF THE PROPOSED SPUR TRACK TO BE CONSTRUCTED BY GRANTEE UNDER THE 1906 DEED, TO THE PLANT OF THE PACIFIC COAST CONDENSED MILK COMPANY, SITUATED UPON BLOCK 4 OF YESLER'S FIRST ADDITION TO KENT, SAID CENTERLINE OF SPUR TRACK BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTH LINE OF MEEKER STREET IN SAID YESLER'S FIRST ADDITION TO KENT, DISTANT 10 FEET WEST OF THE SOUTHWEST CORNER OF SAID BLOCK 4; THENCE RUNNING NORTH ON A LINE DRAWN PARALLEL TO AND DISTANT 10 FEET WESTERLY OF SAID WESTERLY LINE OF SAID WESTERLY LINE OF BLOCK 4, 358.93 FEET TO A POINT; THENCE RUNNING NORTHWESTERLY AND WESTERLY ON A 15 DEGREE CURVE TO THE LEFT TANGENT TO LAST SAID COURSE OVER AND ACROSS SAID LOTS 7, 8, 9, 10, 4 AND 3 OF SAID BLOCK 2 OF RAMSAY'S ADDITION TO THE TOWN OF KENT; A DISTANCE OF 600 FEET TO A POINT ON LOT 10 OF SAID BLOCK 1 OF LAST SAID ADDITION; THENCE RUNNING WEST ON A LINE TANGENT TO LAST SAID CURVE, AND DRAWN PARALLEL TO AND DISTANT 30 FEET NORTHERLY MEASURED AT RIGHT ANGLES FROM THE SOUTHERLY LINE OF SAID LOTS 10 AND 3 TO THE WESTERLY LINE OF SAID RAMSAY'S ADDITION TO THE TOWN OF KENT;

TOGETHER WITH THAT PORTION OF VACATED NORTH SECOND STREET, VACATED NORTH THIRD STREET, AND VACATED ALLEY WITHIN SAID BLOCK 2 AS ATTACHED BY OPERATION OF LAW.
EXHIBIT “A”

LEGAL DESCRIPTION

DESCRIPTION

PARCEL A:

LOTS 1 AND 2 IN BLOCK 1 OF RAMSAY’S ADDITION TO THE TOWN OF KENT, ACCORDING TO PLAT RECORDED IN VOLUME 16 OF PLATS AT PAGE(S) 89, IN KING COUNTY, WASHINGTON; EXCEPT THE WEST 4 FEET THEREOF CONDEMNED IN KING COUNTY SUPERIOR COURT CAUSE NO. 7086854 FOR STREET PURPOSES;

TOGETHER WITH THAT PORTION OF VACATED ALLEY ADJOINING, WHICH UPON VACATION UNDER CITY OF KENT ORDINANCE NO. 2779, RECORDING NO. 8807130681, ATTACHED TO SAID PROPERTY BY OPERATION OF LAW.

PARCEL B:

LOTS 11 AND 12 IN BLOCK 1 OF RAMSAY’S ADDITION TO THE TOWN OF KENT, ACCORDING TO PLAT RECORDED IN VOLUME 16 OF PLATS AT PAGE(S) 89, IN KING COUNTY, WASHINGTON;

TOGETHER WITH THAT PORTION OF VACATED ALLEY ADJOINING AND VACATED NORTH THIRD AVENUE ADJOINING, WHICH UPON VACATION UNDER CITY OF KENT ORDINANCE NO. 2779, RECORDING NO. 8807130681, ATTACHED TO SAID PROPERTY BY OPERATION OF LAW.

PARCEL C:

LOTS 1 AND 2 AND THAT PORTION OF LOT 3 IN BLOCK 2 OF RAMSAY’S ADDITION TO THE TOWN OF KENT, ACCORDING TO PLAT RECORDED IN VOLUME 16 OF PLATS AT PAGE(S) 89, IN KING COUNTY, WASHINGTON, LYING NORTHERLY OF CHICAGO-MILWAUKEE ST. PAUL AND PACIFIC RAILROAD CO.‘S RIGHT-OF-WAY;

TOGETHER WITH THAT PORTION OF VACATED ALLEY ADJOINING AND VACATED NORTH THIRD AVENUE ADJOINING, WHICH UPON VACATION UNDER CITY OF KENT ORDINANCE NO. 2779, RECORDING NO. 8807130681, ATTACHED TO SAID PROPERTY BY OPERATION OF LAW.
DESCRIPTION CONT.

PARCEL D:

THOSE PORTIONS OF LOTS 8, 9 AND 10 LYING NORTHERLY OF CHICAGO-MILWAUKEE ST. PAUL AND PACIFIC RAILROAD CO.'S RIGHT-OF-WAY, AND ALL OF LOTS 11 AND 12 IN BLOCK 2 OF RAMSAY'S ADDITION TO THE TOWN OF KENT, ACCORDING TO PLAT RECORDED IN VOLUME 16 OF PLATS AT PAGE(S) 89, IN KING COUNTY, WASHINGTON;

TOGETHER WITH THAT PORTION OF VACATED ALLEY ADJOINING AND VACATED NORTH SECOND AVENUE ADJOINING, WHICH UPON VACATION UNDER CITY OF KENT ORDINANCE NO. 2779, RECORDING NO. 8807130681, ATTACHED TO SAID PROPERTY BY OPERATION OF LAW.

PARCEL F:

ALL THOSE PORTIONS OF LOTS 7, 8, 9, 10, 4 AND 3 IN BLOCK 2 AND ADJOINING THIRD AVENUE OF RAMSAY'S ADDITION TO THE TOWN OF KENT, ACCORDING TO PLAT RECORDED IN VOLUME 16 OF PLATS AT PAGE(S) 89, IN KING COUNTY, WASHINGTON, WHICH WOULD BE INCLUDED WITHIN A STRIP, BELT OR PIECE OF LAND 60 FEET IN WIDTH, HAVING DESCRIPTION CONT.

30 FEET OF SUCH WIDTH ON EACH SIDE OF THE CENTERLINE OF THE PROPOSED SPUR TRACK TO BE CONSTRUCTED BY GRANTEE UNDER THE 1906 DEED, TO THE PLANT OF THE PACIFIC COAST CONDENSED MILK COMPANY, SITUATED UPON BLOCK 4 OF YESLER'S FIRST ADDITION TO KENT, SAID CENTERLINE OF SPUR TRACK BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTH LINE OF MEEKER STREET IN SAID YESLER'S FIRST ADDITION TO KENT, DISTANT 10 FEET WEST OF THE SOUTHWEST CORNER OF SAID BLOCK 4; THENCE RUNNING NORTH ON A LINE DRAWN PARALLEL TO AND DISTANT 10 FEET WESTERLY OF SAID WESTERLY LINE OF BLOCK 4, 358.93 FEET TO A POINT; THENCE RUNNING NORTHWESTERLY AND WESTERLY ON A 15 DEGREE CURVE TO THE LEFT TANGENT TO LAST SAID COURSE OVER AND ACROSS SAID LOTS 7, 8, 9, 10, 4 AND 3 OF SAID BLOCK 2 OF RAMSAY'S ADDITION TO THE TOWN OF KENT, A DISTANCE OF 600 FEET TO A POINT ON LOT 10 OF SAID BLOCK 1 OF LAST SAID ADDITION; THENCE RUNNING WEST ON A LINE TANGENT TO LAST SAID CURVE, AND DRAWN PARALLEL TO AND DISTANT 30 FEET NORTHERLY MEASURED AT RIGHT ANGLES FROM THE SOUTHERLY LINE OF SAID LOTS 10 AND 3 TO THE WESTERLY LINE OF SAID RAMSAY'S ADDITION TO THE TOWN OF KENT;

TOGETHER WITH THAT PORTION OF VACATED NORTH SECOND STREET, VACATED NORTH THIRD STREET, AND VACATED ALLEY WITHIN SAID BLOCK 2 AS ATTACHED BY OPERATION OF LAW.