ORDINANCE NO. 3492

AN ORDINANCE of the City Council of the City of Kent, Washington, providing for the acquisition of certain property and/or property rights in order to construct, extend, widen, improve, alter, maintain and reconstruct Southeast 256th Street from its intersection at 116th Avenue Southeast to approximately 135th Avenue Southeast, including intersection work; 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 256th Street Project Fund (Fund R-77-E23-5510); 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 properties located within King County, Washington.

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. After receiving the report of City staff, and after reviewing the planned improvements for the Southeast 256th Street 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 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 portion 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 "256th Street Project" fund (Fund R-77-E23-5510) 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 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 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

APPROVED AS TO FORM:

ROGER A. LUBOVICH, CITY ATTORNEY
PASSED the 16 day of Nov, 1999.

APPROVED the 17 day of Nov, 1999.

PUBLISHED the 19 day of Nov, 1999.

I hereby certify that this is a true and correct copy of Ordinance No. 3492 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
Lot 27, Kent Highlands, according to the plat thereof recorded in Volume 78 of Plats, page 19, in King County, Washington.

PARCEL A:

The west 264 feet of the south half of the southeast quarter of the southeast quarter of the southwest quarter of Section 21, Township 22 North, Range 5 East, W.M., in King County, Washington; EXCEPT the south 180 feet of the east 244 feet thereof; AND EXCEPT road.

PARCEL B:

The south 180 feet of the east 244 feet of the west 264 feet of the southeast quarter of the southeast quarter of the southwest quarter of Section 21, Township 22 North, Range 5 East, W.M., in King County, Washington; EXCEPT S.E. 256th Street.

The east 264.00 feet of the south half of the southeast quarter of the southeast quarter of the southwest quarter in Section 21, Township 22 North, Range 5 East, W.M., in King County, Washington; EXCEPT 124th Avenue Southeast; AND EXCEPT Southeast 256th Street.
Beginning at a point 30 feet north and 15 feet west of the southeast corner of the southwest quarter of the southeast quarter of Section 21, Township 22 North, Range 5 East, W.M., in King County, Washington; thence west along the north marginal line of the County Road, a distance of 208.7 feet; thence north 178.7 feet; thence east 208.7 feet; thence south 178.7 feet to the point of beginning.

The south 250 feet of the west 360 feet of the southwest quarter of the southwest quarter of Section 22, Township 22 North, Range 5 East, W.M., in King County, Washington; EXCEPT the east 125 feet thereof; AND EXCEPT those portions thereof conveyed to King County for road purposes by Deeds recorded under Recording Numbers 2677705, 4374834 and 8704160434.

The east 140 feet of the east half of the northeast quarter of the northeast quarter of the northeast quarter of Section 28, Township 22 North, Range 5 East, W.M., in King County, Washington; EXCEPT the south 244 feet thereof; AND EXCEPT the north 30 feet thereof as conveyed to King County for road; AND EXCEPT the east 30 feet thereof as conveyed to King County for road; AND EXCEPT that portion thereof condemned in King County Superior Court Cause No. 87-2-19171-1.
That portion of the northwest quarter of the northeast quarter of Section 28, Township 22 North, Range 5 East, W.M., in King County, Washington, described as follows:

Commencing at the northwest corner of said subdivision; thence north 83°54'37" east along the north line of said subdivision 885.01 feet to the TRUE POINT OF BEGINNING; thence south 1°02'19" east 234 feet; thence south 88°54'37" west 225 feet to the west line of the east half of the northwest quarter of the northeast quarter of said Section 28; thence north along said west line a distance of 234 feet; thence east to the TRUE POINT OF BEGINNING; EXCEPT the north 30 feet thereof conveyed to King County for road purposes by deed recorded under King County Recording Number 2675544; AND EXCEPT the south 96 feet thereof.

The north half of the northwest quarter of the northwest quarter of the northeast quarter of Section 28, Township 22 North, Range 5 East, W.M., in King County, Washington; EXCEPT the north 30.00 feet thereof conveyed to King County for Kent-Black Diamond-Middle Road by deed recorded under Recording Number 2675544.

The north half of the northeast quarter of the northeast quarter of the northwest quarter of Section 28, Township 22 North, Range 5 East, W.M., in King County, Washington; EXCEPT that portion thereof conveyed to King County for Kent-Black Diamond Middle Road (Southeast 256th Street) by deed recorded under Recording Number 2675539; AND EXCEPT that portion thereof lying east of the west margin of 124th Avenue Southeast as established by deed recorded under Recording Number 5303693.
The north 115 feet of the east 135 feet of the west 330 feet of the west half of the northeast quarter of the northwest quarter of Section 28, Township 22 north, Range 5 East, W.M., in King County, Washington; EXCEPT the north 30 feet thereof lying within Southeast 256th Street; TOGETHER WITH road way easement on the east 60 feet of the west 195 feet of the north 200 feet of the west half of the northeast quarter of the northwest quarter of said section; EXCEPT the north 30 feet thereof lying within Southeast 256th Street.

The north 115 feet of the west 135 feet of the west half of the northeast quarter of the northwest quarter of Section 28, Township 22 North, Range 5 East, W.M.; EXCEPT the north 30 feet for road; TOGETHER WITH an easement for road and maintenance of existing water main over the east 60 feet of the west 195 feet of the north 200 feet of the west half of the northeast quarter of the northwest quarter of Section 28, Township 22 North, Range 5 East, W.M.; EXCEPT the north 30 feet for road.

The east 180 feet of the north 405 feet of the east half of the northwest quarter of the northeast quarter of Section 28, Township 22 North, Range 5 East, W.M., in King County, Washington; EXCEPT the north 30 feet thereof conveyed to King County for road purposes by deed recorded under Recording Number 2677704.
No. 370500 - 36

Lot 10, Sunset Manor, according to the plat thereof recorded in Volume 72 of Plats, page 93, in King County, Washington.

No. 370501 - 37

Lot 2, Olympic Estates, according to the plat thereof recorded in Volume 118 of Plats, page 24, in King County, Washington.

No. 370503 - 39

The following Apartment of the named condominium intended only for the stated use, according to Survey Map and Set of Plans recorded as noted, and according to the Condominium Declaration recorded as noted, TOGETHER WITH the stated percentage of undivided interest in the Common Areas and Facilities appertaining to said Apartment, including but not necessarily limited to, the exclusive use of specific Limited Common Areas stated below, if any, the general locations of which are shown in the Survey Map and Plans, but the exact dimensions of which may not be defined:

| CONDOMINIUM: | Olympic Estates |
| USE: | Residential |
| VOLUME: | 58 of Condominiums |
| PAGE(S): | 35 and 36 |

SURVEY MAP AND PLANS RECORDING NUMBER(S): 8201270335

DECLARATION RECORDING NUMBER(S): 8201270336

AMENDED DECLARATION RECORDING NUMBER(S): 9603040913

RECORDS OF: King County, Washington

UNIT NUMBER: 16A
That portion of Lot 2, City of Kent Short Plat No. SPC-77-14 as recorded under King County
Recording No. 7708090530, being a portion of the northeast quarter of the northeast quarter of
Section 29, Township 22 North, Range 5 East, W.M., King County Washington, described as
follows:

Beginning at the northeast corner of said Lot 2; thence South $02^\circ 11' 24"$ West, along the east
line thereof, 30.00 feet; thence North $86^\circ 49' 30"$ West, parallel with the north line of said lot a
distance of 430.88 feet; thence South $01^\circ 34' 28"$ West 86.00 feet; thence North $88^\circ 25' 32"$
West 60.00 feet; thence South $02^\circ 30' 30"$ West 145.00 feet; thence South $86^\circ 53' 00"$ East
20.00 feet; thence South $03^\circ 07' 00"$ West 66.39 feet, more or less, to the south line of said Lot
2; thence North $86^\circ 49' 30"$ West, along said south line 154.18 feet, more or less, to the
southwest corner of said Lot 2; thence North $01^\circ 49' 45"$ East, along the west line thereof,
320.09 feet to the northwest corner of said Lot 2; thence South $86^\circ 49' 30"$ East, along the north
line thereof, 627.89 feet to the Point of Beginning.

Parcel 40 & 41