ORDINANCE NO. 3520

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 South 196th Street in the vicinity of its intersection with East 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 Street Corridor Fund (Fund R-92); 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 South 196th Street Corridor Project, Middle Leg, (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 hereto and incorporated herein by this reference (the "Properties"). The purposes for which this condemnation is authorized shall include, without limitation, all

1 South 196th Street Corridor Condemnation
   (east of East Valley Highway)
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 "196th Street Corridor Project" 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 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 provided by law.

JIM WHITE, MAYOR PRO TEM

ATTEST:

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

ROGER A. LUBOVICH, CITY ATTORNEY

3 South 196th Street Corridor Condemnation (east of East Valley Highway)
PASSED the 1 day of August, 2000.

APPROVED the 1 day of August, 2000.

PUBLISHED the 4 day of August, 2000.

I hereby certify that this is a true and correct copy of Ordinance No. 3520 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
The legal description has been amended to read as follows:

Lot 1 of King County Short Plat Number 80-10 recorded under Recording Number 8005290269, as adjusted by City of Kent Lot Line Adjustment Number LL-93-17, as recorded under Recording Number 9309281031, being a portion of the north 450 feet of the south 1,350 feet of the northwest quarter of Section 6, Township 22 North, Range 5 East, W.M., in King County, Washington, lying easterly of the State Road No. 5 and lying westerly of the Primary State Highway No. 5;

TOGETHER WITH that portion of Lot 2, King County Short Plat Number 80-10 recorded under Recording Number 8005290269, as adjusted by City of Kent Lot Line Adjustment Number LL-93-17, as recorded under Recording Number 9309281031, described as follows:

Beginning at the northeast corner of Lot 1 of said short plat; thence north 89°53'10" east, a distance of 80.00 feet; thence south 01°07'29" east, a distance of 130.03 feet; thence south 89°53'10" west, a distance of 80.00 feet to the southeast corner of said Lot 1; thence north 01°07'29" east, a distance of 130.03 feet to the TRUE POINT OF BEGINNING.

(ALSO KNOWN AS Parcel B of City of Kent Lot Line Adjustment Number LL-98-30, recorded under Recording Number 9812111415).

END OF LEGAL DESCRIPTION

EXHIBIT "A"
The legal description has been amended to read as follows:

Lot 2 of King County Short Plat 80-10, recorded under Recording Number 8005290269, as adjusted by City of Kent Lot Line Adjustment Number LL-93-17, as recorded under Recording Number 9309281031, being a portion of the north 450 feet of the south 1,350 feet of the northwest quarter of Section 6, Township 22 North, Range 5 East, W.M., in King County, Washington, lying easterly of State Road No. 5 and lying westerly of the Primary State Highway No. 5; EXCEPT that portion thereof described as follows:

Beginning at the northeast corner of Lot 1 of King County Short Plat Number 80-10 recorded under Recording Number 8005290269, as adjusted by City of Kent Lot Line Adjustment Number LL-93-17, as recorded under Recording Number 9309281031;

thence north 89°53'10" east, a distance of 80.00 feet;

thence south 01°07'29" east, a distance of 130.03 feet;

thence south 89°53'10" west, a distance of 80.00 feet to the southeast corner of said Lot 1;

thence north 01°07'29" east, a distance of 130.03 feet to the TRUE POINT OF BEGINNING;

AND EXCEPT beginning at the northwest corner of Lot 1 of King County Short Plat Number 80-10 recorded under Recording Number 8005290269, as adjusted by City of Kent Lot Line Adjustment Number LL-93-17, as recorded under Recording Number 9309281031, said point being on the easterly right-of-way of 84th Avenue South;

thence north 89°53'10" east along the north line of said Lot 1, a distance of 524.62 feet to the point of beginning;

thence continuing north 89°53'10" east, a distance of 1004.87 feet, more or less, to a point on the westerly right-of-way line of Primary State Highway No. 5, and a point on a circular curve to the left, concave to the east, said point bearing north 82°25"34" west and 5839.81 feet distant from the radius point of said curve;

thence southerly along said curve through a central angle of 00°08"54", a distance of 15.13 feet;

thence south 89°53'10" west, a distance of 1003.19 feet;

thence north 01°07'28" east, a distance of 15.00 feet to the TRUE POINT OF BEGINNING.

(ALSO KNOWN AS Parcel C of City of Kent Lot Line Adjustment Number LL-98-30, recorded under Recording Number 9812111415).

END OF LEGAL DESCRIPTION

EXHIBIT "A"