ORDINANCE NO. 3524

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 a portion of Southeast 277th Street, lying generally east of SR 167 and north of the of the current northerly edge of right-of-way, 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 277th Street Project Fund, 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 Southeast 277th Street (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 and B, 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 approved 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 "277th Street Project" fund 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. The City further authorizes the City Attorney to tender all condemnation authority and procedures to the City of Auburn and/or its designated agent, if the Kent City Attorney determines that Auburn’s control over the proceedings best serves the Project. In commencing these condemnation procedures, the City Council authorizes the Kent City Attorney, or his designee, 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:

TOM BRUBAKER, DEPUTY CITY ATTORNEY

277th Street Corridor Condemnation - Auburn
PASSED the 7 day of Nov., 2000
APPROVED the 7 day of Nov., 2000
PUBLISHED the 10 day of Nov., 2000

I hereby certify that this is a true and correct copy of Ordinance No 3529 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
The land referred to in this commitment is situated in the county of King, State of Washington, and described as follows:

That portion of the John M. Thomas Donation Claim No. 42 in Section 36, Township 22 North, Range 4 East, W.M., in King County, Washington, described as follows:

Commencing at the northwest corner of said Section 36;
Thence south 2°12'55" west along the west line thereof 653.21 feet,
Thence south 88°38'15" east 1324.79 feet to the east margin of Frontage Road and the TRUE POINT OF BEGINNING;
Thence continuing south 88°38'15" east 485.79 feet to a point south 2°12'55" west 653.21 feet and south 88°38'15" east 1810.48 feet from the northwest corner of said Section 36, and also being a corner of Tract 3 of City of Kent Short Plat Number 79-16, recorded under Recording Number 7908090932;
Thence along the easterly and southerly line of said Tract 3 the following two courses
Thence north 01°21'45" east, 385.18 feet;
Thence south 88°43'27" east 538.89 feet;
Thence continuing south 88°43'27" east, along the easterly extension of the southerly line of said Tract 3, 140 feet, more or less, to the west line of the Puget Sound Electric Railway right of way;
Thence south 1°14'46 west along said west line 898.84 feet to the north margin of South 277th Street;
Thence north 89°01'24" west along said north margin 324.37 feet;
Thence north 81°37'00" west 146.22 feet to the point of curvature of a curve to the right having a radius of 37 feet;
Thence northwesterly along the arc of said curve, through a central angle of 82°35'36", a distance of 53.34 feet;
Thence north 00°58'36" east 17.46 feet to the point of curvature of a curve to the left having a radius of 127 feet;
Thence northwesterly along the arc of said curve, through a central angle of 90°, an arc distance of 199.49 feet;
Thence north 89°01'24" west 102.09 feet to the point of curvature of a curve to the right having a radius of 360 feet;
Thence northwesterly along the arc of said curve, through a central angle of 48°50'33", a distance of 306.89 feet to intersect the east line of an existing Frontage Road;

(continued)
LEGAL DESCRIPTION, continued:

Thence northwesterly along said line, being the arc of a curve to the right having a radius of 680 feet, the radial center of which bears north 56°30'16" east 680 feet from the last mentioned point, through a central angle of 17°37'40", a distance of 209.21 feet to Frontage Road Station FR 6+68.51 P.T.;
Thence north 15°52'04" west along the easterly line of said Frontage road 18.08 feet to the point of curvature of a curve to the right having a radius of 1430 feet,
Thence northerly along the arc of said curve, through a central angle of 15°24'16", a distance of 384.47 feet to the TRUE POINT OF BEGINNING;

EXCEPT the east 140 feet thereof.

END OF SCHEDULE A

NOTE FOR INFORMATIONAL PURPOSES ONLY:

The following may be used as an abbreviated legal description on the documents to be recorded, per amended RCW 65.04. Said abbreviated legal description is not a substitute for a complete legal description within the body of the document.

Ptn. John M. Thomas D.C. No. 42
That portion of the John M. Thomas Donation Claim No. 42 being operating property being 140 in width lying within the west half of Section 25, Township 22 North, Range 4 East, W.M., in King County, Washington and the Northwest quarter of Section 36, Township 22 North, Range 4 East, W.M. lying westerly of 100 foot right away for PSPL and southerly of South 262nd Street and northerly of South 277th Street pursuant to a Department of Revenue Letter February 3, 1988.
WASHINGTON STATE COUNTY AUDITOR/RECORDER'S COVER SHEET

Document Title: City of Kent Ordinance No. 3529: Relating to Eminent Domain

Reference Number(s): N/A

Grantor(s): Various

Grantee(s): City of Kent, a Washington municipal corporation

Legal Description: Various; NW ¼, SEC. 36, TWP 22N, R4E, W.M. – See Exhibits A and B

Assessor's Property Tax Parcel/Account Number(s): Various – See Exhibits A and B