ORNANCE NO. 3547

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 West Smith Street from its intersection at approximately Fourth Avenue North to approximately Railroad Avenue North, including intersection work, and to construct, extend, widen, improve, alter, maintain, and reconstruct Pioneer Street from its intersection at approximately Railroad Avenue North to Central Avenue North, 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 "Sound Transit Street Improvement" fund (Fund R41-E23-5510-4140), 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 West Smith Street and Pioneer Street Projects (the "Projects"), 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 Projects,
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, 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 Projects, 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 "Sound Transit Street Improvement" fund (Fund R41-E23-5510-4140) 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's legislative body, is not subject to referendum, and shall take effect and be in force five (5) days after publication as approved by law.

[Signature]
JIM WHITE, MAYOR

ATTEST

[Signature]
BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM

[Signature]
ROGER A. LUBOVICH, CITY ATTORNEY

Sound Transit Condemnation
PASSED the 6th day of March, 2001
APPROVED the 6th day of March, 2001
PUBLISHED the 9th day of March, 2001

I hereby certify that this is a true and correct copy of Ordinance No. 3577 passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

[Signature]
BRENDA JACOBER, CITY CLERK

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BEGINNING AT THE NORTHEAST CORNER OF BLOCK 4, YESLER'S FIRST ADDITION TO THE TOWN OF KENT, ACCORDING TO THE PLAT RECORDED IN VOLUME 5 OF PLATS, PAGE 64, IN KING COUNTY, WASHINGTON; THENCE WEST ALONG THE NORTH LINE OF SAID BLOCK 4, A DISTANCE OF 255 FEET TO THE NORTHWEST CORNER OF SAID BLOCK 4; THENCE SOUTH 1°58' WEST ALONG THE WEST LINE OF SAID BLOCK 4, A DISTANCE OF 391.42 FEET; THENCE SOUTH 89°27' EAST 112.01 FEET; THENCE NORTH 69°22' EAST 3.04 FEET; THENCE NORTH 1°59' EAST 107.11 FEET; THENCE EAST 141.96 FEET, MORE OR LESS, TO THE EAST LINE OF SAID BLOCK 4; THENCE NORTH 1°58' EAST ALONG THE EAST LINE OF SAID BLOCK 4, A DISTANCE OF 285.29 FEET, MORE OR LESS, TO POINT OF BEGINNING; EXCEPT THE SOUTH 7.5 FEET OF THE WEST 115.05 FEET THEREOF.
PARCEL A:
Lots 7, 8 and 9 in Block 1 of Ramsay's Addition to the Town of Kent, as per plat recorded in Volume 16 of Plats on page 89, records of King County, Washington; EXCEPT the West 85.09 feet thereof.

PARCEL B:
The West 60.34 feet of Lots 4, 5 and 6 in Block 2 of Ramsay's Addition to the Town of Kent, as per plat recorded in Volume 16 of Plats, on page 89, records of King County, Washington, lying Southerly of the spur track of the Chicago-Milwaukee-St. Paul and Pacific Railway.

PARCEL C:
ALL of the vacated area of 3rd Avenue, between Blocks 1 and 2, in the plat of Ramsay's Addition to the Town of Kent, as per plat recorded in Volume 16 of Plats, on page 89, records of King County, Washington, lying Southerly of the spur track of the Chicago-Milwaukee-St. Paul and Pacific Railway; ALL situate in the County of King, State of Washington.
That portion of the Railroad Right Of-Way situated in the Northeast Quarter of Section 24, Township 22 North, Range 4 East, W.M.; lying southerly of the south margin of Smith Street and northerly of the north margin of Meeker Street.
That portion of the northwest quarter of the northeast quarter of Section 24, Township 22 North, Range 4 East, in King County, Washington, lying west of First Avenue North, east of 4th Avenue North, north of Temperance Street and south of the following described line:

Beginning at a point on the west line of First Avenue North 762.45 feet south of the north line of said subdivision;
Thence southwesterly and westerly on a curve to the right, radius of 265.44 feet, which is not tangent to said west line, a distance of 203.73 feet to a tangency in a line hereinafter called line "A";
Thence south 89°58'-30 west 226.9 feet;
Thence on a curve to the right, radius of 742.0 feet, a distance of 221.77 feet;
Thence north 72°53'-30 west a distance of 108.4 feet to a point of curve;
Thence on a curve to the left, radius 787.0 feet, a distance of 169.14 feet, more or less, to a point on the east line of 4th Avenue North.
EXCEPT that portion described as follows:

That portion of the northwest quarter of the northeast quarter of Section 24, Township 22 North, Range 4 East, W.M., in King County, Washington, described as follows:

Beginning at the most southwesterly corner of the parcel land conveyed by Northwestern Improvement Company to The Borden Company under deed dated April 12, 1956 and recorded under Recording Number 4688725, records of King County, Washington, being a point in the east line of 4th Avenue in the City of Kent;
Thence south 0°13'11" west along said east line 18.2 feet;
Thence south 72°53'30" east 270.58 feet to a point of curve;
Thence easterly on a curve to the left with a radius of 776.62 feet, a distance of 108.07 feet;
Thence north 9°08'07" east 22.3 feet to a point of curve from a tangent bearing south 80°51'53" east;
Thence easterly on a curve to the left, with a radius of 754.32 feet, a distance of 120.6 feet;
Thence north 01°01'30" west 12.7 feet, more or less, to the southerly line of the above-mentioned parcel of land;
Thence westerly along said southerly line to the point of beginning.

EXHIBIT A
PAGE 4 of 6
Lots 5 and 6 and that portion of Lots 4, 7 and 8, all in Block 2, lying south and west of the spur track of the Chicago, Milwaukee, St. Paul and Pacific Railway Ramsay's Addition to the Town of Kent, according to the plat thereof recorded in Volume 16 of Plats, page 89, in King County, Washington;
EXCEPT the west 60.34 feet of Lots 4, 5 and 6;

TOGETHER WITH all vacated alley, as vacated by Ordinance No. 1265 of the city of Kent, lying southerly of said spur tracks:
PARCEL A:

LOTS 21, 22, AND THE SOUTH 24 FEET OF LOT 23, BLOCK 2, CROSS' ADDITION TO THE CITY OF KENT, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 18 OF PLATS, PAGE 9, RECORDS OF KING COUNTY, WASHINGTON.

PARCEL B:

LOT 17, BLOCK 17, WASHINGTON CENTRAL IMPROVEMENT COMPANY'S FIRST ADDITION TO KENT, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 3 OF PLATS, PAGE 97, RECORDS OF KING COUNTY, WASHINGTON; AND ALSO THE FOLLOWING DESCRIBED TRACT ADJOINING SAID LOT 17 ON THE NORTH DESCRIBED AS FOLLOWS:

A STRIP OF LAND LYING NORTH OF LOT 17, BLOCK 17, WHICH STRIP EXTENDS NORTH TO THE SOUTH LINE OF PIONEER STREET AND EAST AND WEST FROM RAILROAD AVENUE NORTH TO THE ALLEY IN SAID BLOCK 17.

PARCEL C:

LOT 18, BLOCK 17, WASHINGTON CENTRAL IMPROVEMENT COMPANY'S FIRST ADDITION TO KENT, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 3 OF PLATS, PAGE 97, RECORDS OF KING COUNTY, WASHINGTON; AND ALSO THE FOLLOWING DESCRIBED TRACT ADJOINING SAID LOT 18 ON THE NORTH DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 23 FEET NORTH OF THE NORTHEAST CORNER OF LOT 18, SAID BLOCK 17; THENCE SOUTH A DISTANCE OF 23 FEET; THENCE WEST ALONG THE NORTH LINE OF SAID BLOCK 17, A DISTANCE OF 120 FEET TO THE NORTHWEST CORNER OF LOT 18, SAID BLOCK 17; THENCE NORTH A DISTANCE OF 26 FEET; THENCE EAST IN A STRAIGHT LINE TO THE POINT OF BEGINNING.
WASFFINGTON STATE COUNTY AUDITOR/RECORDER'S COVER SHEET

Document Title: City of Kent Ordinance No. 3547: Relating to Eminent Domain

Reference Number(s): N/A

Grantor(s): Various

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

Legal Description: Various - Generally SEC. 24, TWP 22N, R4E, W.M. - See Exhibit A

Assessor's Property Tax Parcel/Account Number(s): Various - See Exhibit A