ORDINANCE NO. 3555

AN ORDINANCE of the City of Kent, Washington, providing for the acquisition of a portion of 132nd Avenue Southeast, north of Southeast 240th Street associated with the Upper Meridian Valley Creek Improvement project and/or property rights in order to replace and/or restore culverts and a section of creek to relieve flooding in the area and restore fish passage; providing for the condemnation, appropriation, taking and damaging of such surface and aerial property rights as are necessary for that purpose; providing for the payment thereof out of the Upper Meridian Valley Creek Improvement Project fund (Fund No D43-C38-5515), 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 Upper Meridian Valley Creek Improvement 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 portions of certain real property located in King County, Washington, in order to acquire the necessary real property and/or property rights for the construction of the Project, including all necessary appurtenances. The property affected by this ordinance is 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 complete the construction, extension, improvement, widening, alteration, maintenance, reconstruction and restoration of the Project, including improvements for replacing three culverts and restoring a section of creek between two of the culverts on the east side of 132nd Avenue Southeast, and any other municipal purpose that may be necessary from time to time on the Property

SECTION 2. The City authorizes the acquisition by condemnation of all or a portion of the Property for the construction, extension, improvement, widening, alteration, maintenance and reconstruction of the Project, together with all necessary appurtenances and related work to make a complete improvement according to City standards.

SECTION 3. The City 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 shall pay for the entire cost of the acquisition by condemnation provided for in this ordinance through the City's "Upper Meridian Valley Creek Improvement Project" fund (Fund D43-C38-5515) 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 Property. In commencing these condemnation procedures, 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 passage, approval and publication as provided by law.

JIM WHITE, MAYOR

ATTEST:

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM

ROGER A. LUBOVICH, CITY ATTORNEY

132nd Avenue SE & SE 240th Street
Condemnation Ordinance
PASSED the 1st day of May, 2001
APPROVED the 1st day of May, 2001
PUBLISHED the 4th day of May, 2001

I hereby certify that this is a true and correct copy of Ordinance No. 3555 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

132nd Avenue SE & SE 240th Street
Condemnation Ordinance
EXHIBIT "A"

Lot 1, King County Revised Short Plat Number 679141, according to the revision recorded under Recording Number 8308230394, said Short Plat being a portion of the southeast quarter of the southeast quarter of Section 16, Township 22 North, Range 5 East, W.M., in King County, Washington,

(ALSO KNOWN AS Wandering Creek, a Planned United Development, according to the plan thereof recorded in Volume 2 of PUD'S, pages 58 through 69, inclusive, under Recording Number 8503110593, in King County, Washington).
WASHINGTON STATE COUNTY AUDITOR/RECORDEER'S COVER SHEET

Document Title: City of Kent Ordinance No. 3555: Relating to Eminent Domain
Reference Number(s): N/A
Grantor(s): Various
Grantee(s): City of Kent, a Washington municipal corporation
Legal Description: SE ¼, SE ½; SEC. 16, TWP 22N, R5E, W.M. - See Exhibit A
Assessor's Property Tax Parcel/Account Number(s): See Exhibit A