ORDINANCE NO. 3596

AN ORDINANCE of the City Council of the City of Kent, Washington, providing for the acquisition of certain property and/or property rights for storm water drainage detention use in conjunction with Pacific Highway South HOV Lanes Road Widening Project, 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 "Pacific Highway HOV Phase 2" Fund (Fund R90062), and directing the City Attorney to prosecute the appropriate legal proceedings, together with the authority to enter into settlements, stipulations or other agreements; the property is 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 from City staff, and after reviewing the planned street improvements for Pacific Highway South HOV Lanes Road Widening 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 storm water drainage detention necessary for the Project, including all necessary appurtenances. This property 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,
widenings, alterations, maintenance and reconstruction of the storm water drainage detention for the Project

**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 storm water drainage detention for 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 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 "Pacific Highway HOV Phase 2" Fund (Fund R90062) 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 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.

ATTEST
BRENTA JACOBER/CITY CLERK

APPROVED AS TO FORM.
TOM BRUBAKER, CITY ATTORNEY

PASSED the _ day of April, 2002
APPROVED the _ day of April, 2002
PUBLISHED the _ day of April, 2002

Pacific Highway (SR-99)
SW Quadrant 260th Condemnation
I hereby certify that this is a true and correct copy of Ordinance No. 3596 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

P/CIVIL/ORDINANCE/CONDEMNATION-99-SW260TH DOC

Pacific Highway (SR-99)
SW Quadrant 260th Condemnation
The east half of the northwest quarter of the southeast quarter of the northwest quarter of Section 28, Township 22 North, Range 4 East, W M, in King County, Washington;
EXCEPT that portion of the east 29.62 feet of said subdivision lying north of the south 60 feet of said subdivision;
EXCEPT the west 60 feet of the east 89.62 feet of the north 230 feet of said subdivision;
EXCEPT the west 200 feet of the north 230 feet of said subdivision,
EXCEPT the north 30 feet of said subdivision for county road;
AND EXCEPT the south 20 feet of the east 29.62 feet of said subdivision;

TOGETHER WITH the north 40 feet of the south 60 feet of that portion of the northeast quarter of the southeast quarter of the northwest quarter of said Section 28, lying west of State Road No 1

EXHIBIT "A"