ORDINANCE NO. 3601

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 and maintain the SE 256th Flume 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 "256th Flume Project" fund (Fund D00043.64420.330), 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 SE 256th Flume 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 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

1 SE 256th Flume Project Condemnation
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 "256th Flume Project " fund (Fund D00043 64420 330) 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.

JIM WHITE, MAYOR

ATTEST.

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM

TOM BRUBAKER, CITY ATTORNEY
PASSED the 21 day of May, 2002
APPROVED the 21 day of May, 2002
PUBLISHED the 25 day of May, 2002

I hereby certify that this is a true and correct copy of Ordinance No 3601, 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 YACOBER, CITY CLERK
Mary Simaons, Acting

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PARCEL A:

The east three-quarters of the northeast quarter of the northeast quarter of Section 27, Township 22 North, Range 5 East, W M, in King County, Washington,
EXCEPT that portion thereof lying southerly of a line parallel with the south line of said subdivision and 660 feet northerly of said south line and measured along the west line of said subdivision,
AND EXCEPT the east 330 feet thereof,
AND EXCEPT the north 40 feet thereof conveyed to King County for road purposes by deeds recorded under Recording Numbers 169017 41253134,
AND EXCEPT the west 135 00 feet of the south 322 67 feet thereof

PARCEL B:

The east 330 feet of the north 660 feet of the northeast quarter of the northeast quarter of Section 27, Township 22 North, Range 5 East, W M, in King County, Washington,
EXCEPT that portion conveyed to King County for Southeast 256th Street by deed recorded under Recording Number 4125314,
AND EXCEPT the east 150 feet thereof

EXHIBIT "A"
Document Title: City of Kent Ordinance No. 3601 providing for the acquisition of certain property and/or property rights in order to construct, extend, widen, improve, alter and maintain the SE 256th Flume Project.

Reference Number(s): 440231 and 440232

Grantor(s): Carol Jean Bhatia and Soos Creek Water & Sewer District

Grantee(s): City of Kent

Abbreviated Legal Description: Ptns. of NE 1/4 NE 1/4 of 27-22-5

Assessor’s Property Tax Parcel/Account Number(s): 272205-9176/9178