ORDINANCE NO. 3635

AN ORDINANCE of the City of Kent, Washington, providing for the acquisition of a portion of James Street and Central Avenue associated with the James Street and Central Avenue Intersection Improvement Project and/or property rights in order to construct, extend, widen, improve, alter, maintain, and reconstruct the intersection located at James Street and Central Avenue; 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 James Street and Central Avenue Intersection Improvement Project fund (Fund No. R20059 4140 364), 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 James Street and Central Avenue Intersection 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, 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 "James Street and Central Avenue Intersection Improvement Project" fund (Fund No. R20059.4140.364) 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

MARY SIMMONS, acting
BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM

TOM BRUBAKER, CITY ATTORNEY

James Street and Central Avenue Intersection Improvement Condemnation Ordinance
PASSED the 18th day of March, 2003.

APPROVED the 18th day of March, 2003

PUBLISHED the 22nd day of March, 2003.

I hereby certify that this is a true and correct copy of Ordinance No. 3635, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

Mary Simmons
BRENDA JACOBER, CITY CLERK (SEAL)

James Street and Central Avenue Intersection Improvement
Condemnation Ordinance
PARCEL A:
Lots 1 through 20, inclusive, Block 5, ALL of Blocks 1 thru 4, inclusive, Blocks 6 and 7, McMillins Addition to Kent, according to the plat thereof recorded in Volume 7 of Plats, page 58, in King County, Washington;

TOGETHER WITH vacated State Street that would attach by operation of law;
TOGETHER WITH vacated alley in Block 5 that would attach by operation of law;
EXCEPT that portion conveyed to the City of Kent by deeds recorded under Recording Numbers 4663582, 4804847, 6476222, 710526031 and 8406120020.

PARCEL B:
Lots 1 through 7 and the west 10 feet of Lot 8, Block 20, Washington Central Improvement Co's 1st Addition to Kent, according to the plat thereof recorded in Volume 3 of Plats, page 97, in King County, Washington;

TOGETHER WITH an unplatted strip adjacent north of said block and south of Pioneer Street;
EXCEPT the east 20 feet of Lot 8;
AND EXCEPT that portion of Lots 1 through 5 as conveyed to the City of Kent for alley by deed recorded under Recording Number 6423052.

PARCEL C:
East 20 feet of Lot 10 and all of Lot 11, Block 20, Washington Central Improvement Co.'s First Addition to Kent, according to the plat thereof recorded in Volume 3 of Plats, page 97, in King County, Washington;

ALSO that portion of the northeast quarter of the northeast quarter of Section 24, Township 22 North, Range 4 East, W.M., in King County, Washington, lying south of the south line of Pioneer Street as established in McMillin's Addition to Kent, according to the plat thereof recorded in Volume 7 of Plats, page 58, in King County, Washington, north of the north line of said Block 20 of Washington Central Improvement Co.'s First Addition to Kent, west of the east line of said Block 20 and east of west line of the east 20 feet of Lot 10, said Block 20, extended northerly.

LEGAL DESCRIPTION, continued:

EXHIBIT "A"
Page 1 of 4
LEGAL DESCRIPTION, continued:

PARCEL D:

A tract of land in the northeast quarter of the north east quarter of Section 24, Township 22 North, Range 4 East, W.M., in King County, Washington, being more particularly described as follows:

Commencing at the northeast corner of said Section 24;
Thence south 01°15'23" west, along the east line of said Section 24, a distance of 645.97 feet, to the north line of Pioneer Street as established in McMillin's Addition to Kent, according to the plat thereof recorded in Volume 7 of Plats, page 58, in King County, Washington, said point being that TRUE POINT OF BEGINNING;
Thence continuing south 01°15;23" west, along the east line of said Section 24, a distance of 124.42 feet, to the intersection of the easterly extension of the south line of Lots 1 through 11, Block 20 of Washington Central Improvement Company's First Addition to Kent, according to the plat thereof recorded in Volume 3 of Plats, page 97, in King County, Washington;
Thence south 89°49'47" west, along said extension of the south line of Lots 1 through 11, a distance of 33.46 feet, to the southeast corner of Lot 11, Block 20 of said Washington Central Improvement Company's First Addition;
Thence north 00°42'00" east, along the east line of said Lot 11 and the extension thereof, 95.33 feet, to south line of Pioneer Street as established in said McMillin's Addition to Kent;
Thence north 88°38'12" west, along said south line of Pioneer Street, 340.07 feet to the intersection of a northerly extension of the west line of Lot 1, Block 20 of said Washington Central Improvement Company's First Addition;
Thence north 00°47'04" east, along said extension, 30.00 feet to the north line of Pioneer Street as established in said McMillin's Addition to Kent;
Thence south 88°38'12" east, along said north line of Pioneer Street, 374.69 feet, to the TRUE POINT OF BEGINNING.

EXHIBIT "A"
Page 2 of 4
That portion of the southeast quarter of the southeast quarter of Section 13, Township 22 North, Range 4 East, W M., in King County, Washington, described as follows:

Beginning at the southwest corner of Block 4, Walmsley's Addition to the City of Kent, according to the plat thereof recorded in Volume 45 of Plats, page 15, in King County, Washington;
Thence south 69°53'40" east along the south line of said Block 4, a distance of 178.55 feet;
Thence south 0°24'20" west parallel with the easterly margin of Central Avenue, as shown on said plat 234.76 feet to the northerly margin of James Street as conveyed to the City of Kent by Deed recorded under Recording No. 6465984, and as condemned in King County Superior Court Cause No. 706251;
Thence north 89°37'40" west along said northerly margin 146.55 feet;
Thence north 42°02'45" west along said northerly margin 47.41 feet to the said easterly margin of Central Street;
Thence north 0°24'20" east along said easterly margin of Central Street 198.92 feet to the point of beginning;

EXCEPT that portion thereof conveyed to the City of Kent for street by Deed recorded under Recording No. 8605200142.
Lots 1 through 4, inclusive, Block 4, Walmsley's Addition to the City of Kent, according to the plat thereof recorded in Volume 45 of Plats, page 15, in King County, Washington;

TOGETHER WITH vacated alley adjoining;
EXCEPT the following described tract:

Beginning at the southwest corner of said Lot 3;
Thence northerly along the west line thereof and the west line of said Lot 4, a distance of 146.00 feet to the northwest corner of said Lot 4;
Thence easterly along the north line of said Lot 4, a distance of 20.00 feet to a point of cusp with a curve concave to the southeast having a radius of 26.50 feet;
Thence westerly, southwesterly and southerly, a distance of 30.01 feet along said curve through a central angle of 64°53'24";
Thence southerly parallel with said west lines, a distance of 121.50 feet to the south line of said Lot 3;
Thence westerly along said south line, a distance of 4.50 feet to the point of beginning.
WASHINGTON STATE COUNTY AUDITOR/RECORDER'S COVER SHEET

Document Title: City of Kent Ordinance No. 3635: Relating to Eminent Domain

Reference Number(s): N/A

Grantor(s): Various

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

Abbreviated Legal Description:

Ptn of Sec. 13; Twn. 22N, Rng 4E, W.M. King County, State of Washington

Additional legal description on Exhibit “A” of document

Assessor’s Property Tax Parcel/Account Number(s): 132204-9032

Project Name: James Street and Central Avenue Intersection Improvement