ORDINANCE NO. 3660

AN ORDINANCE of the City of Kent, Washington, providing for the acquisition of a portion of the South 228th Street extension project and/or property rights in order to construct, extend, widen, improve, alter, maintain, and reconstruct South 228th Street between 64th Avenue South and State Route 516; 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 228th West Leg Improvement Project fund (Fund No. R90093.4140.364); directing the city attorney to prosecute the appropriate legal proceedings, together with the authority to enter into settlements, stipulations or other agreements; and acknowledging that all of said property is 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 South 228th Street Extension 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

South 228th Street
Condemnation Ordinance
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 "228th West Leg Improvement Project" fund (Fund No. R90093.4140.364) 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.

South 228th Street
Condemnation Ordinance
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:

TOM BRUBAKER, CITY ATTORNEY

South 228th Street
Condemnation Ordinance
PASSED the 7 day of October, 2003.
APPROVED the 7 day of October, 2003.
PUBLISHED the 11 day of October, 2003.

I hereby certify that this is a true and correct copy of Ordinance No. 3660, 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 (SEAL)
Property to be Acquired from City of Seattle

That portion of Section 15, Township 22 North, Range 4 East, W M, the Enos Cooper Donation Land Claim Number 38, and the unrecorded plat of Richard's Hy-Line Acres, all in King County, Washington, described as follows

Commencing at the west quarter corner of said Section 15, from which point the northwest corner of said section bears N01°11'45"E 2628 00 feet distant, and from which point the southwest corner of said section bears S01°19'23"W 2630 04 feet distant; thence S89°51'38"E, along the east west center of section line of said Section 15, a distance of 897.77 feet to the TRUE POINT OF BEGINNING of the herein described tract of land, thence N24°44'21"W 53 34 feet, thence N20°12'27"E 43 53 feet to a point on a 1340 00 foot radius, circular curve to the left, from which point the center of said curve bears N24°42'56"W, thence northeasterly, along said curve, through a central angle of 2°23'08", an arc distance of 55 79 feet to a point of tangency; thence N62°53'56"E 355 76 feet to a point of tangency with a 1960 00 foot radius circular curve to the right, thence northeasterly, along said curve, through a central angle of 10°00'58", an arc distance of 342 64 feet, thence S65°09'08"E 615 63 feet, thence S23°56'42"E 162 95 feet to the east west center of section line of said Section 15, thence S89°51'38"E, along said center of section line, 449 78 feet to the center of said Section 15, thence N00°45'27"E, along the north south center of section line of said Section 15, a distance of 340 02 feet to the north line of the south 340 00 feet of the northeast quarter of said Section 15, thence S89°51'38"E, along said north line, 325 02 feet to the east line of the west 325 00 feet of said northeast quarter, thence N00°45'27"E, along said east line, 185 01 feet to the north line of the south 525 00 feet of said northeast quarter, thence S89°51'38"E, along said north line, 855.38 feet to the southwesterly line of a tract of land conveyed to the City of Kent by Quit Claim Deed recorded under King County Recording Number 20020829000359, thence N35°03'17"W, along said southwesterly line, 142 81 feet to an angle point in said line, thence continuing along said southwesterly line, N55°45'57"W 257 43 feet to an angle point in the south line of said tract; thence N89°51'00"W, along the south line of said tract, 882 09 feet to the north south center of section line of said Section 15 and an angle point in the south line of said tract; thence continuing along the boundary of said tract and said north south center of section line, N00°45'27"E 26 30 feet to an angle point in the boundary of said tract, thence S89°10'13"W, along the boundary of said tract, 341 94 feet to the southwest corner thereof, thence N03°51'53"E, along the west boundary of said tract and its northerly prolongation, 197 49 feet to an angle point in the southerly boundary of Tract "R" as shown in that certain Record of...
Survey on file under King County Recording Number 19991123900001, thence N50°08'07"W, along said southerly boundary, 158 37 feet to an angle point in said southerly boundary, thence continuing along said southerly boundary and its southwesterly prolongation, S75°51'53"W 213 39 feet to the west line of the east half of the northeast quarter of the northwest quarter of said Section 15; thence S00°51'59"W, along said west line, 474 22 feet, thence S84°31'32"W 40 98 feet to a point of tangency with a 2050 00 foot radius circular curve to the left, thence southwesterly, along said curve, through a central angle of 18°03'57", an arc distance of 646 38 feet to the east line of the southwest quarter of the northwest quarter of said Section 15, thence N00°58'32"E, along said east line, 3 60 feet to the north line of the south 415 00 feet of said southwest quarter of the northwest quarter; thence N89°51'38"W, along said north line, to the centerline of a logging road as described in Statutory Warranty Deed recorded under King County Recording Number 8304010596, thence southwesterly, along said logging road centerline, to the northeasterly right of way line Military Road South; thence S24°44'21"E, along said northeasterly right of way line, to the northwest corner of Tract 20, in the unrecorded plat of Richards Hy-Line Acres, from which point the west quarter corner of said Section 15 bears N89°44'01"W 876.63 feet distant, thence continuing along said northeasterly right of way line, S24°44'21"E 446 89 feet to the south line of the north 405 00 feet of said unrecorded plat, thence S89°44'01"E, along said south line, 22 07 feet to a point which bears S24°44'21"E from the TRUE POINT OF BEGINNING, thence N24°44'21"W 449 09 feet to the TRUE POINT OF BEGINNING.

Containing 1,101,811 square feet or 25 294 acres

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EXHIBIT "A"
Page 2 of 5
Slope Easement No. 1 from the City of Seattle.

That portion of Section 15, Township 22 North, Range 4 East, WM, in King County, Washington, described as follows.

Commencing at the west quarter corner of said Section 15, from which point the northwest corner of said section bears N01°11'45"E 2628.00 feet distant, and from which point the southwest corner of said section bears S01°19'23"W 2630.04 feet distant, thence S89°51'38"E, along the east west center of section line of said Section 15, a distance of 897.77 feet; thence N24°44'21"W 53.34 feet, thence N20°12'27"E 43.32 feet to a point on a 1340.00 foot radius, circular curve to the left, from which point the center of said curve bears N24°42'33"W, and the TRUE POINT OF BEGINNING of the herein described tract of land, thence northeasterly, along said curve, through a central angle of 2°23'31", an arc distance of 55.94 feet to a point of tangency, thence N62°53'56"E 54.79 feet, thence S27°06'04"E 22.52 feet, thence S62°53'56"W 136.24 feet to a point which bears S20°12'27"W from the TRUE POINT OF BEGINNING, thence N20°12'27"E 34.93 feet to the TRUE POINT OF BEGINNING.

Containing 2819 square feet or 0.65 acres.

EXHIBIT "A"

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Slope Easement No. 2 from the City of Seattle:

That portion of Section 15, Township 22 North, Range 4 East, W M., in King County, Washington, described as follows:

Commencing at the west quarter corner of said Section 15, from which point the northwest corner of said section bears N01°11'45"E 2628 00 feet distant, and from which point the southwest corner of said section bears S01°19'23"W 2630 04 feet distant, thence S89°51'38"E, along the east west center of section line of said Section 15, a distance of 897 77 feet, thence N24°44'21"W 53 34 feet, thence N20°12'27"E 43 53 feet to a point on a 1340 00 foot radius, circular curve to the left, from which point the center of said curve bears N24°42'56"W thence northeasterly, along said curve, through a central angle of 2°23'08", an arc distance of 55 79 feet to a point of tangency, thence N62°53'56"E 137 49 feet to the TRUE POINT OF BEGINNING of the herein described tract of land, thence continuing N62°53'56"E 218 27 feet to a point of tangency with a 1960 00 foot radius curve to the right, thence northeasterly, along said curve, through a central angle of 10°00'58", an arc distance of 342 64 feet, thence S65°09'08"E 181 feet, thence S61°59'54"W 139 68 feet, thence S60°50'45"W 343 27 feet, thence S74°24'16"W 79 16 feet, thence N27°06'04"W 30 00 feet to the TRUE POINT OF BEGINNING.

Containing 17,644 square feet or 0.405 acres.

EXHIBIT "A"
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Slope Easement No. 3 from the City of Seattle

That portion of Section 15, Township 22 North, Range 4 East, W M., in King County, Washington, described as follows

Commencing at the west quarter corner of said Section 15, from which point the northwest corner of said section bears N01°11'45"E 2628.00 feet distant, and from which point the southwest corner of said section bears S01°19'23"W 2630.04 feet distant, thence S89°51'38"E, along the east west center of section line of said Section 15, a distance of 897.77 feet, thence N24°44'21"W 53.34 feet, thence N20°12'27"E 43.53 feet to a point on a 1340.00 foot radius, circular curve to the left, from which point the center of said curve bears N24°42'56"W, thence northeasterly, along said curve, through a central angle of 2°23'08", an arc distance of 55.79 feet to a point of tangency; thence N62°53'56"E 355.76 feet; thence N27°06'04"W 40.00 feet to a point of curvature on a 2000.00 foot radius, circular curve to the right, from which point the center of said curve bears S27°06'04"E, thence northeasterly, along said curve, through a central angle of 3°33'38", an arc distance of 124.30 feet to a point on said curve, thence N23°32'26"W 50.00 feet to the east line of the southwest quarter of the northwest quarter of said Section 15 and the TRUE POINT OF BEGINNING of the herein described tract of land, thence N00°58'32"E, along said east line, 17.46 feet, thence N69°43'03"E 444.45 feet, thence N72°04'25"E 260.76 feet to the west line of the east half of the northeast quarter of the northwest quarter of said Section 15, thence S00°51'59"W, along said west line, 86.63 feet, thence S84°31'32"W 40.98 feet to a point of tangency with a 2050.00 foot radius, circular curve to the left, thence southwesterly, along said curve, through a central angle of 18°03'57", an arc distance of 646.38 feet to the TRUE POINT OF BEGINNING

Containing 23,805 square feet or 0.546 acres

EXHIBIT "A"
Page 5 of 5
KING COUNTY, WASHINGTON, AUDITOR/RECORDER’S COVER SHEET

Document Title: City of Kent Ordinance No. 3660: Relating to Eminent Domain

Reference Number(s): N/A

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

Grantee(s): The Public, Ordinance No. 3660

Abbreviated Legal Description:

Ptns. of Sec. 15; 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):

152204-9066; 9065; 9002; 9008; 9007; 9012
D.L.C. 000200-0010; 0011; 0012;0001;0005; 0022; 0023; 0003

Project Name: 228th West Leg Improvement Project