ORDINANCE NO. 3686

AN ORDINANCE of the City Council of the City of Kent, Washington, providing for the acquisition of a portion of three parcels of real property located northeast of the intersection of S.E. 240th St. and 132nd Ave. S.E. for the purposes of reconstruction of a storm drainage culvert on Upper Meridian Valley Creek and/or property rights in order to reconstruct the storm drainage culvert for the Upper Meridian Valley Creek Improvement Project; 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. D20027.64140.220); 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, DOES HEREBY ORDAIN AS FOLLOWS:

ORDINANCE

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, 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 No. D20027.64140.220) 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 as 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. Settlements, stipulations, or agreements may include, but are 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.

ATTEST:

**JIM WHITE, MAYOR**

Tim Clark

**BRENDA JACOBER, CITY CLERK**

APPROVED AS TO FORM:

**TOM BRUBAKER, CITY ATTORNEY**
PASSED: 20 day of April, 2004.
APPROVED: 20 day of April, 2004.
PUBLISHED: 24 day of April, 2004.

I hereby certify that this is a true copy of Ordinance No. 3686 passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

BRENT JACOBER (SEAL)
BRENDAM JACOBER, CITY CLERK

Upper Meridian Valley Creek Improvement Project Condemnation Ordinance
EXHIBIT "A"

Lots 1, 3, and 4, King County Short Plat Number 176032 (revised), recorded under Recording Numbers 7708180959 and 7802160554; being a portion of the south half of the southwest quarter of the southwest quarter of the southwest quarter of Section 15, Township 22 North, Range 5 East, W.M., in King County, Washington.