Ordinance No. 3735
(Amending or Repealing Ordinances)

CFN=1296 - Military Road Widening Condemnation
Passed - 3/1/2005
Military Road Widening Project Condemnation Ordinance

Recorder’s # 20050425002434

The date ["Beginning July 1, 1998"] has led to confusion. This date will be deleted from cover sheets of ordinance/resolution revision pages. This cover sheet will be deleted on electronic pages only, no other deletions or changes have been made to the document – 6/21/2012.
AN ORDINANCE of the City Council of the City of Kent, Washington, providing for the acquisition of real property and/or property rights between Bolger Road and South 239th Street adjacent to Military Road, in order to construct the underground electrical system, storm, sewer, curb, gutter, and sidewalks for the Military Road Widening Project; providing for the condemnation, appropriation, taking and damaging of such surface rights as necessary for that purpose; providing for the payment thereof out of the 228th/224th Corridor – West Leg (SR 516-64th Avenue S) Project fund (Fund No. R90093.56710.535); 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.

NOW THEREFORE, 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 Military 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
portions of certain real properties 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 properties affected by this ordinance are legally described in Exhibit A, attached and incorporated by this reference (collectively 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 upon completion of all steps and procedures required by applicable federal or state law or regulations, and 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/224th Corridor - West Leg (SR 516-64th Avenue S) Project fund (Fund No. R90093.56710.535) 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. These settlements, stipulations, or agreements may include, but are not 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 its publication as provided by law.

JIM WHITE, MAYOR

ATTEST:

BRENDA JACOBER, CITY CLERK

3 Military Road Widening Project
Condemnation Ordinance
APPROVED AS TO FORM:

TOM BRUBAKER, CITY ATTORNEY

PASSED: 1 day of March, 2005.
APPROVED: 1 day of March, 2005.
PUBLISHED: 5 day of March, 2005.

I hereby certify that this is a true copy of Ordinance No. 3735 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, CITY CLERK

Military Road Widening Project
Condemnation Ordinance
EXHIBIT A
Lot A of City of Kent lot Line Adjustment Number L-2001-08/KIVA #20011317, recorded under Recording Number 20010712001789, said Lot Line Adjustment being a portion of the southwest quarter of the northwest quarter and the northwest quarter of the southwest quarter of Section 15, Township 22 North, Range 4 East, W.M., in King County, Washington.
The south 146.43 feet of the north 563.43 feet (as measured along the east line) of that portion of the northwest quarter of the southwest quarter of Section 15, Township 22 North, Range 4 East, W.M., in King County, Washington, lying easterly of the Old Military Road as now revised; EXCEPT the east 88 feet thereof;
(ALSO KNOWN AS a portion of Tract 18, Richards Hy-Line Acres, according to the unrecorded plat thereof).
The south 178.43 feet of the north 583.43 feet (as measured along the east line) of that portion of the northwest quarter of the southwest quarter of Section 15, Township 22 North, Range 4 East, W.M., in King County, Washington, lying easterly of the Old Military Road as now revised; EXCEPT that portion of the south 146.43 feet of the north 158.43 feet thereof (as measured along the east line) lying west of the east 88 feet thereof;

(ALSO KNOWN AS a portion of Tract 18, Richard's Hy-Line Acres, an unrecorded plat.)
That portion of the northwest quarter of the southwest quarter of Section 15, Township 22 North, Range 4 East, W.M., in King County, Washington, described as follows:

Beginning at the northwest corner of said subdivision, which corner is the west quarter corner of said Section 15;
thence north 88°18’20" east along the northerly line of said subdivision, 875.01 feet to an intersection with the easterly margin of Old Military Road as now revised;
thence south 26°44’20" east along said easterly margin 643.91 feet to the TRUE POINT OF BEGINNING of the tract herein described;
thence continuing south 26°44’20" east, along said easterly margin, 209.55 feet to point of curve;
thence along the arc curve to the right having a radius of 1176.28 feet, a distance of 220.45 feet to an intersection with the easterly line of said subdivision;
thence north 0°56’45" west along said easterly line to a point from which the TRUE POINT OF BEGINNING bears south 88°18’20" west;
thence south 88°18’20" west to the TRUE POINT OF BEGINNING;
EXCEPT that portion thereof conveyed to the State of Washington for Primary State Highway No. 1 by deed recorded under Recording Number 4995256;
AND EXCEPT portion condemned for State Highway in Superior Court Cause No. 738766;
(ALSO KNOWN AS a portion of Tract 18, Richard’s Hy-Line Acres, an unrecorded plat).

EXHIBIT A
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That portion of the west half of the southwest quarter of Section 15, Township 22 North, Range 4 East, W.M., in King County, Washington, described as follows:

Beginning at a point opposite and 100 feet distant southwesterly when measured radially from the "A" line survey of Primary State Highway No. 1, Pierce County line to Junction Secondary State Highway No. 5-A at Highway Engineers Station 71+20, said point being the TRUE POINT OF BEGINNING;
thence south 12°05'00" west, a distance of 277.67 feet;
thence along a curve to the left having a radius of 427.46 feet, an arc distance of 35.17 feet;
thence north 58°58'21" east, a distance of 292.31 feet;
thence north 89°56'21" east, a distance of 1.88 feet;
thence north 01°28'00" east, a distance of 14.11 feet;
thence along a curve to the left having a radius of 1,096.28 feet, an arc distance of 57.63 feet to its intersection with a curve whose center from said intersection bears north 02°54'05" east and having a radius of 1,246.00 feet;
thence to the left along said curve, an arc distance of 227.99 feet and the TRUE POINT OF BEGINNING;
EXCEPT that portion thereof condemned in King County Superior Court Cause Number 79-2-00071-0.
That portion of the east half of the southwest quarter of the southwest quarter of Section 15, Township 22 North, Range 4 East, W.M., in King County, Washington, lying south of Secondary State Highway No. 5-A, as conveyed to King County by deed recorded under King County Recording Number 2122612, and lying north of George W. Peck Road No. 2 (sometimes known as Peck Road and sometimes known as Jeffery Road), approved by King County under County Commissioners Record Volume 27, Page 133 on April 19, 1926; EXCEPT that portion conveyed to King County for road purposes under King County Recording Number 4686118; AND EXCEPT that portion thereof conveyed to the State of Washington for Primary State Highway No. 1, by deed recorded under King County Recording Number 5082567; EXCEPT that portion conveyed to State of Washington under King County Recording Number 7906180687.
PARCEL A:

That portion of the south 415 feet of the southwest quarter of the northwest quarter of Section 15, Township 22 North, Range 4 East, W.M., in King County, Washington, lying east of the center line of Military Road South, and north of the old logging road, said old logging road described as follows:

Beginning at a point where the south line of the northwest quarter of Section 15, Township 22 North, Range 4 East, W.M., in King County, Washington, intersects the center line of said Military Road South; thence 85 feet northwesterly along the center line of said Military Road South to the TRUE POINT OF BEGINNING of the old logging road or grade, the center line of which runs from said TRUE POINT OF BEGINNING northeasterly at a angle measured counter-clockwise from said center line of said Military Road, south 101°15' and continues to a point where said center line of old logging road intersects with the easterly line of said southwest quarter of said northwest quarter of Section 15; AND EXCEPT Military Road South and a strip 15 feet wide abutting Military Road South.

PARCEL B:

A 15 foot strip of land abutting Military Road on the southwest of Parcel A.
Return Address:

Attn: City Clerk
City of Kent
220 Fourth Ave. S.
Kent, WA 98032

WASHINGTON STATE COUNTY AUDITOR/RECORDER'S COVER SHEET

Document Title: City of Kent Ordinance No. 3735: Relating to Eminent Domain

Reference Number(s): N/A

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

Grantee(s): The Public, Ordinance No. 3735

Abbreviated Legal Description:

Pts. of Sec. 15; Tw. 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): 152204-9027, 726020-0112

726020-0110, 726020-0111, 152204-9046, 152204-9010, 152204-9045

Said document(s) were filed for record by Pacific Northwest Title as accommodation only. It has not been examined as to proper execution or as to its affect upon title.

Project Name: Military Road Widening Project