Ordinance No. 3754

(Amending or Repealing Ordinances)

CFN=1297 - Condemnation
Passed – 6/7/2005
Johnson Creek Relocation and Restoration Condemnation Ordinance
Recorder's # 20050711000231
AN ORDINANCE of the City Council of the City of Kent, Washington, providing for the acquisition of real property and/or property rights in an area lying generally south of S. 212nd St. and east of 42nd Ave. S., in order to develop and construct necessary infrastructure for wetland preservation, natural resource enhancement, and storm drainage systems, and to relocate and enhance a branch of Johnson Creek, a salmonid stream; 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; 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 natural resource enhancements for Johnson Creek Relocation and Restoration (the “Project”) in order to develop and construct wetland preservation, natural resource enhancement, and storm drainage systems, and to relocate a branch of Johnson Creek, 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 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, improvement, relocation, restoration, enhancement, alteration, maintenance, and reconstruction 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, improvement, relocation, restoration, enhancement, 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 Johnson Creek Relocation and Restoration Fund 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.

ATTEST:

JIM WHITE, MAYOR

BRENDA JACOBER, CITY CLERK

Mary Simmons, Deputy City Clerk

Johnson Creek Relocation and Restoration Condemnation Ordinance
APPROVED AS TO FORM:

TOM BRUBAKER, CITY ATTORNEY

PASSED: 7th day of June, 2005.
APPROVED: 7th day of June, 2005.
PUBLISHED: 11th day of June, 2005.

I hereby certify that this is a true copy of Ordinance No. 3754 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
Mary Simmons, Deputy City Clerk

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Johnson Creek Relocation and Restoration Condemnation Ordinance
EXHIBIT A

THE NORTH ½ OF THE SOUTHWEST ¼ OF THE NORTHEAST ¼ OF SECTION 10, TOWNSHIP 22 NORTH, RANGE 4 EAST W.M.;

EXCEPT THE EAST 195.52 FEET THEREOF;

AND EXCEPT THAT PORTION THEREOF LYING WITHIN 42ND AVENUE SOUTH (WM. A. JOHNSON ROAD NO. 1432); ESTABLISHED PURSUANT TO VOLUME 30 OF KING COUNTY COMMISSIONERS RECORDS, PAGE 191;

AND EXCEPT THAT PORTION THEREOF LYING WITHIN THE RIGHT-OF-WAY OF DRAINAGE DITCH NO. 2;

AND EXCEPT THAT PORTION THEREOF CONVEYED TO KING COUNTY FOR ORILLIA ROAD, BY DEEDS RECORDED UNDER RECORDING NO. 5975361 AND 5975362;

SITUATE IN THE CITY OF KENT, COUNTY OF KING, STATE OF WASHINGTON.
WASHINGTON STATE COUNTY AUDITOR/RECORDER'S COVER SHEET

Document Title: City of Kent Ordinance No. 3754: Relating to Eminent Domain

Reference Number(s): N/A

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

Grantee(s): The Public, Ordinance No. 3754

Abbreviated Legal Description:

Ptms. of Sec. 10; 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): 1022049004 and 1022049139

Project Name: Johnson Creek Relocation and Restoration Project