Ordinance No. 3767
(Amending or Repealing Ordinances)

CFN=1300 – LID 359
Passed – 11/15/2005
S. 277th Street Corridor Extension Project Condemnation Ordinance

Recorder’s # 20060110000427

Amended by Ord. 3811

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 located between Kent-Kangley Road and Southeast 256th Street adjacent to 116th Avenue Southeast and located adjacent to Kent-Kangley Road up to 700 feet east of 116th Avenue Southeast. This action is being taken in order to construct the underground electrical system and road improvements for the S 277th Street Corridor Extension Project. This Ordinance provides for the condemnation, appropriation, taking and damaging of such surface and aerial property rights as are necessary for that purpose and provides for the payment thereof out of the S 277th Street Corridor Extension Project fund (Fund No R90070 66100 220). This Ordinance directs the city attorney to prosecute the appropriate legal proceedings, together with the authority to enter into settlements, stipulations or other agreements; and acknowledges that all of the real property affected 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 S 277th Street Corridor Extension 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 "S. 277th Street Corridor Extension Project" fund (Fund No R90070 66100 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 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:

[Signature]

BRENDA JACOBER, CITY CLERK

S. 277th Street Corridor Extension Project Condemnation Ordinance
I hereby certify that this is a true copy of Ordinance No. 3767 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

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S. 277th Street Corridor Extension Project Condemnation Ordinance
EXHIBIT "A"
Parcel Number 4 of City of Kent Short Plat Number SPC-77-14, as recorded under Recording Number 7708090530, records of King County, Washington, described as follows:

The north 80 feet of the south 160 feet of the east 140 feet of the south 320 feet of the northeast quarter of the northeast quarter of Section 29, Township 22 North, Range 5 East, W.M., in King County, Washington; EXCEPT the east 30 feet thereof for 116th Avenue Southeast.
Lot 3, described in City of Kent Short Plat Number SPC-77-15, also known as SPC-77-14, as recorded under Recording Number 771090530, being a portion of the northeast quarter of the northeast quarter of the northeast quarter of Section 29, Township 22 North, Range 5 East, W.M., in King County, Washington.
That portion of the east half of the northeast quarter of the northeast quarter of Section 29, Township 22 North, Range 5 East, W.M., in King County, Washington, lying south of the south line of the northeast quarter of the northeast quarter of said Section 29, and lying north of the south line of the north half of that portion of the east half of the northeast quarter of the northeast quarter of Section 29, Township 22 North, Range 5 East, W.M., in King County, Washington, lying between the south line of the north 10.00 acres of the east half of the northeast quarter of the northeast quarter of said section and the north line of the south half of the southeast quarter of the northeast quarter of the northeast quarter of said section;

EXCEPT the east 30 feet thereof conveyed to King County for road by Deed recorded under Recording Number 4768141.

EXHIBIT A

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That portion of the south half of the southeast quarter of the northeast quarter of the northeast quarter of Section 29, Township 22 North, Range 5 East, W.M., in King County, Washington, described as follows:

Beginning at the northeast corner of the south half of the southeast quarter of the northeast quarter of the northeast quarter of Section 29, Township 22 North, Range 5 East, W.M., in King County, Washington;
Thence north 88°10'46" west along the north line of the south half of the northeast quarter of the northeast quarter of said Section 29, a distance of 30.00 feet to the TRUE POINT OF BEGINNING;
Thence south 00°33'32" west along the westerly margin of 116th Avenue Southeast 176.50 feet;
Thence north 88°16'18" west a distance of 197.85 feet;
Thence north 00°33'32" east a distance of 176.91 feet to the north line of the south half of the southeast quarter of the northeast quarter of the northeast quarter,
Thence south 88°10'46" east along said south line 197.88 feet to the TRUE POINT OF BEGINNING;

(ALSO KNOWN AS Parcel A of City of Kent Lot Line Adjustment Number LL-97-18, recorded under King County Recording Number 9801261662).
That portion of the south half of the southeast quarter of the northeast quarter of the northeast quarter of Section 29, Township 22 North, Range 5 East, W.M., in King County, Washington, described as follows:

Beginning at the northeast corner of the south half of the southeast quarter of the northeast quarter of the northeast quarter of Section 29, Township 22 North, Range 5 East, W.M.;

thence north 88°10'46" west 30.00 feet;

thence south 00°55'52" west along the westerly margin of 116th Avenue Southeast 176.59 feet to the TRUE POINT OF BEGINNING;

thence continuing along said westerly margin south 00°55'52" west 153.58 feet;

thence north 88°16'18" west, along the south line of the south half of the southeast quarter of the northeast quarter of the northeast quarter of said Section 29, a distance of 334.72 feet;

thence north 00°34'18" east, along the east line of the west 287 feet of the south half of the southeast quarter of the northeast quarter of the northeast quarter of said Section 29, a distance of 330.75 feet;

thence south 88°10'46" east, along the north line of the south half of the southeast quarter of the northeast quarter of the northeast quarter of said Section 29, a distance of 138.94 feet;

thence south 00°55'52" west 176.91 feet;

thence south 88°16'18" east 197.85 feet to the TRUE POINT OF BEGINNING;

(ALSO KNOWN AS Parcel B of City of Kent Lot Line Adjustment Number LL-97-18, recorded under King County Recording Number 9801261662).

EXHIBIT A

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That portion of the east half of the southeast quarter of the northeast quarter of Section 29, Township 22 North, Range 5 East, W.M., in King County, Washington, described as follows:

Beginning at the northeast corner of said subdivision;
thence south 1°09'40" east, along the east line of said subdivision, 100 feet;
thence continuing south 1°09'40" east along said east line 117 feet;
thence south 89°37'51" west, parallel with the north line of said subdivision, 397.15 feet;
thence north 0°09'35" east 100 feet to the north line of said subdivision;
thence north 89°37'51" east 394.85 feet to the point of beginning;
EXCEPT the east 30 feet thereof heretofore conveyed to King County for road by deed recorded under Recording Number 4768139.

EXHIBIT A

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That portion of the east half of the southeast quarter of the northeast quarter of Section 29, Township 22 North, Range 5 East, W.M., in King County, Washington, described as follows.

Beginning at the northeast corner of said subdivision;
Thence south 1°09'40" east, along the east line of said subdivision, 100 feet to the TRUE POINT OF BEGINNING of the tract herein described;
Thence continuing south 1°09'40" east 100 feet;
Thence south 89°37'51" west, parallel to the north line of said subdivision, 399.46 feet;
Thence north 0°09'35" east, 100 feet;
Thence north 89°37'51" east 397 15 feet to the TRUE POINT OF BEGINNING;
EXCEPT the east 30 feet thereof conveyed to King County by deed recorded under Recording Number 4760139;
AND EXCEPT the west 167.15 feet thereof.
That portion of the east half of the southeast quarter of the northeast quarter of Section 29, Township 22 North, Range 5 East, W.M., in King County, Washington, described as follows:

Beginning at the northeast corner of said subdivision;
thence south 1°09'40" east, along the east line of said subdivision, 200 feet to the TRUE POINT OF BEGINNING of the tract herein described;
thence continuing south 1°09'40" east along said east line 117 feet;
thence south 89°37'51" west, parallel with the north line of said subdivision, 402.15 feet;
thence north 0°09'35" east 116.99 feet;
thence north 89°37'31" east 399.46 feet to the TRUE POINT OF BEGINNING;
EXCEPT the east 30 feet thereof heretofore conveyed to King County for road by deed recorded under Recording Number 4768139;

TOGETHER WITH the west 167.15 feet of the following described tract:

That portion of the east half of the southeast quarter of the northeast quarter of Section 29, Township 22 North, Range 5 East, W.M., in King County, Washington, described as follows:

Beginning at the northeast corner of said subdivision;
thence south 1°09'40" east, along the east line of said subdivision, 100 feet to the TRUE POINT OF BEGINNING of the tract herein described;
thence continuing south 1°09'40" east 100 feet;
thence south 89°37'51" west, parallel with the north line of said subdivision, 399.46 feet;
thence north 0°09'35" east 100 feet;
thence north 89°37'51" east 397.15 feet to the TRUE POINT OF BEGINNING.

EXHIBIT A

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That portion of the east half of the southeast quarter of the northeast quarter of Section 29, Township 22 North, Range 5 East, W.M., in King County, Washington, described as follows:

Beginning at the intersection of the east line of said subdivision with the centerline of Kent Kangley Road (Secondary State Highway No. 5-A);
Thence north 63°13'55" west along said centerline 261.61 feet;
Thence north 00°31'30" east 237.16 feet to the south line of the north 317 feet in width of said subdivision;
Thence south 89°37'51" east along said south line 224.17 feet, more or less, to the east line of said subdivision;
Thence south 01°09'40" east along said east line 356.50 feet, more or less, to the point of beginning,
EXCEPT that portion thereof lying within the Kent Kangley Road (Secondary State Highway No 5-A);
AND EXCEPT those portions thereof conveyed to King County for road purposes by deeds recorded under Recording Numbers 4768139 and 6108249;
AND EXCEPT that portion thereof conveyed to the State of Washington for highway purposes by deed recorded under Recording Number 7910160093.
That portion of the southwest quarter of the northwest quarter of Section 28, Township 22 North, Range 5 East, W.M., in King County, Washington, described as follows:

Beginning at the point of intersection of section line between Sections 28 and 29, said Township and Range with the center line of Kent-Black Diamond Road, known as Road No. 173, thence in a southeasterly direction along the center line of said road 482 feet; thence southwesterly 436 feet, more or less, to a point in the quarter line running east and west through said Section 28, which is 329 feet east of said section line; thence west along said quarter line to the west line of said Section 28; thence north to the point of beginning; EXCEPT portion described as follows:

Beginning at a point of intersection of section line between said Sections 28 and 29 with the center line of Kent-Black Diamond Road; thence southeasterly 290 feet; thence southwesterly 525 feet, more or less, to the south line of said southwest quarter which is 155 feet east of said section line; thence west along said south line to the west line of said section; thence north to point of beginning; EXCEPT portion thereof lying within Kent-Black Diamond Road; AND EXCEPT portion condemned under King County Superior Court Cause Number 80-2-12898-1.
That portion of the southwest quarter of the northwest quarter of
Section 28, Township 22 North, Range 5 East, W.M., in King County,
Washington, described as follows:

Beginning at a point on the center line of the Kent-Black Diamond
Road No. 173, which point is 482 feet southeasterly of the west line
of said Section 28 (measured along the center line of said road);
thence southeasterly along said road, 170 feet;
thence south to the south line of the northwest quarter of said
section,
thence westerly along said south line to a point 329 feet east of
the west line of said section;
thence northeasterly to the point of beginning;
EXCEPT Kent-Kangley Highway (County Road Number 173, SSH Number 5);
AND EXCEPT that portion conveyed to the State of Washington for
Kent-Kangley Highway, (County Road No. 173, SSH No. 5-A) by deed
recorded under Recording Number 7907060276.
That portion of the southwest quarter of the northwest quarter of Section 28, Township 22 North, Range 5 East, W.M., in King County, Washington, described as follows:

Beginning at the northwest corner of said subdivision;
Thence south 0°57'08" west along the west line thereof 500 feet,
Thence south 88°57'02" east 210 feet;
Thence south 0°57'08" west 250.56 feet to the northeasterly margin of Kent-Kangley State Highway 'SR 516', as originally established;
Thence along said margin south 61°05'37" east 22.64 feet to the TRUE POINT OF BEGINNING;
Thence north 0°57'08" east 111.14 feet;
Thence south 88°57'02" east 84.86 feet;
Thence south 2°17'06" west 154.18 feet to the northeasterly margin of the State Highway;
Thence north 61°05'37" west 92.03 feet to the TRUE POINT OF BEGINNING;
EXCEPT that portion thereof condemned for highway purposes in Superior Court Cause Number 80-2-01391-2.
PARCEL A:

The east 80 feet of Lot 6, Phillip's Fairview, according to the plat thereof recorded in Volume 67 of Plats, page 97, in King County, Washington; EXCEPT the north 80 feet thereof; AND EXCEPT that portion as conveyed to King County by deed recorded under Recording Number 6108248.

PARCEL B:

That portion of Lot 6, Phillip's Fairview, according to the plat thereof recorded in Volume 67 of Plats, page 97, in King County, Washington, lying south of the north 80 feet thereof, and west of the east 80 feet thereof; EXCEPT that portion conveyed to King County by deed recorded under Recording Number 5353698 and Recording Number 6108248.

PARCEL C:

The north 80 feet of Lot 6, Phillip's Fairview, according to the plat thereof recorded in Volume 67 of Plats, page 97, in King County, Washington.
Lot 4, Phillip's Fairview Addition, according to the plat thereof recorded in Volume 67 of Plats, page 97, in King County, Washington.
Lot 3, Phillip's Fairview Addition, according to the plat thereof recorded in Volume 67 of Plats, page 97, in King County, Washington.
Lot 2, Phillip's Fairview Addition, according to the plat thereof recorded in Volume 67 of Plats, page 97, in King County, Washington.
Lot 1, Phillip's Fairview Addition, according to the plat thereof recorded in Volume 67 of Plats, page 97, in King County, Washington.
The south 62 feet of the south half of the west half of the west half of the northwest quarter of the northwest quarter of Section 28, Township 22 North, Range 5 East, W.M., in King County, Washington;
EXCEPT the west 30 feet thereof conveyed to King County by instrument recorded under Recording Number 4768138
The south 264 feet of the north 528 feet of the south half of the west half of the west half of the northwest quarter of the northwest quarter of Section 28, Township 22 North, Range 5 East, W.M., in King County, Washington; EXCEPT the west 30 feet thereof conveyed to King County by instrument recorded under Recording Number 4768113.

EXHIBIT A

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The north 264 feet of the south half of the west half of the west half of the northwest quarter of the northwest quarter of Section 28, Township 22 North, Range 5 East, W.M., in King County, Washington;
EXCEPT the west 30 feet thereof conveyed to King County by instrument recorded under Recording Number 4768112.
Lot 1, Sunset Manor, according to the plat thereof recorded in Volume 72 of Plats, page 93, in King County, Washington.
Lot 6, Sunset Manor, according to the plat thereof recorded in Volume 72 of Plats, page 93, in King County, Washington.
Lot 7, Sunset Manor, according to the plat thereof recorded in Volume 72 of Plats, page 93, in King County, Washington.
Lot 9, Sunset Manor, according to the plat thereof recorded in Volume 72 of Plats, page 93, in King County, Washington.
Document Title: City of Kent Ordinance No. 3767: Relating to Eminent Domain

Reference Number(s): N/A

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

Grantee(s): The Public, Ordinance No. 3767

Abbreviated Legal Description:

Ptns. of Sec. 29; Twn. 22N, Rng SE, W.M. King County, State of Washington; Ptns of Sec. 28; Twn. 22N, Rng SE, W.M. King County, State of Washington

Additional legal description on Exhibit “A” of document


Project Name: S. 277th Street Corridor Extension Project

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.