Ordinance No. 3798

(Amending or Repealing Ordinances)

CFN=1285 - S 228th St. Condemnation Ordinance
Passed - 4/18/2006
South 231st Way/S 228th Street Improvements Project

Recorder’s # 20060623000856

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.
ORDINANCE NO. 3798

AN ORDINANCE of the City Council of the City of Kent, Washington, providing for the acquisition of real property and/or property rights between 58th Avenue South and 60th Avenue South adjacent to South 228th Street for the City's South 228th Street Corridor – West Leg Project. This action is being taken in order to construct, extend, widen, improve, alter, maintain and reconstruct a portion of South 228th Street, together with all necessary appurtenances and related work, including without limitation, any public or private utilities for the South 231st Way/South 228th Street Improvement Project. This Ordinance provides for the condemnation, appropriation, taking, and damaging of those property rights necessary for that purpose; and provides for payment out of the 228th/224th Corridor – West Leg (SR 516 - 64th Avenue South) Project fund (Fund No. R90093.56710.535). The Ordinance also directs the City Attorney to prosecute the appropriate legal proceedings, together with the authority to enter into settlements, stipulations, or other agreements. The real property that is subject to this Ordinance is located within King County, Washington.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

ORDINANCE

South 231st Way/S 228th Street
Improvements Project
Condemnation Ordinance
SECTION 1. After hearing the report of City staff, and after reviewing the planned improvements for the South 231st Way/South 228th Street 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 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 including, without limitation, any public or private utilities. 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, including without limitation, any public or private utilities, 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.

Suzette Cooke
SUZETTE COOKE, MAYOR

ATTEST:
Brenda Jacober
BRENDA JACOBER, CITY CLERK
I hereby certify that this is a true copy of Ordinance No. **3798** 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

**South 231st Way/S 226th Street Improvements Project\nCondemnation Ordinance**
Revised Parcel A, City of Kent Lot Line Adjustment No. 11-90-34, according to the Lot Line Adjustment recorded under King County Recording Number 9010221144, said Lot Line Adjustment being a portion of Government Lot 5 in the northwest quarter of Section 14, Township 22 North, Range 4 East, W.M., in King County, Washington.
Lot 4, City of Kent Short Plat Number 76-17 recorded under Recording Number 780612075B, located in a portion of Government Lot 5, Section 14, Township 22 North, Range 4 East, W.M., in King County, Washington.
That portion of Government Lot 5 in Section 14, Township 22 North, Range 4 East, W.M., in King County, Washington, described as follows:

Beginning at the intersection of the northerly line of South 228th Street, "Taylor Road" with the easterly line of said Government Lot; Thence running southwesterly along the northerly line of said South 228th Street, a distance of 330 feet, more or less, to the southeast corner of a tract of land sold to Lawrence S. Graf by Contract recorded under Recording Number 5431956, and the TRUE POINT OF BEGINNING of the tract herein described; Thence northerly along the easterly line of said "Graf Tract", a distance of 215.00 feet; Thence south 88°47'19" east parallel with the north line of said Government Lot, a distance of 90.00 feet; Thence south 0°15'15" east parallel with the east line of said Government Lot a distance of 23.00 feet; Thence southeasterly to a point on the northerly line of said South 228th Street, distant 152.00 feet northeasterly from the point of beginning; Thence southwesterly, along said northerly line, a distance of 150.00 feet to the TRUE POINT OF BEGINNING.
That portion of Government Lot 5, Section 14, Township 22 North, Range 4 East, W.M., in King County, Washington, described as follows:

Commencing at the intersection of the centerline of South 228th Street (Taylor Road) with the east line of said Government Lot 5; Thence 1°14'38" east along said east line 21 37 feet to the northerly line of said South 228th Street and the TRUE POINT OF BEGINNING;
Thence continue north 1°14'38" east along said line 322.27 feet;
Thence north 88°47'19" west parallel with the north line of said Government Lot 5, a distance of 222 feet;
Thence south 1°14'38" west 247.33 feet;
Thence south 19°25'35" east 148.12 feet to the northerly line of said South 228th Street;
Thence north 70°39' east along said northerly line 181.30 feet to the TRUE POINT OF BEGINNING.
**WASHINGTON STATE COUNTY AUDITOR/RECORDER'S COVER SHEET**

Document Title: City of Kent Ordinance No. 3798: Relating to Eminent Domain

Reference Number(s): N/A

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

Grantee(s): The Public, Ordinance No. 3798

Abbreviated Legal Description:

Ptms. of Sec. 14; 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): 142204-9031, 142204-9025, 142204-9027, and 142204-9009

Project Name: South 231st Way/ S. 228th Street Improvement 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.