Ordinance No. 3811

(Amending or Repealing Ordinances)

CFN=1300 - LID 359
Passed – 9/5/2006
Amend Ordinance 3767 – 277th St. Corridor Extension Project

Recorder’s # 20060919002104

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, amending the summary statement of Ordinance No. 3767, which authorized the condemnation of real property and/or property rights for the construction of the underground electrical system and road improvements for the South 277th Street corridor extension project, in order to correct language contained in the ordinance that is inconsistent with the language contained in the body of the ordinance. This ordinance corrects the summary statement for Ordinance No. 3767 to be consistent with the body of the ordinance by authorizing condemnation of all necessary real property and/or property rights for project construction and correcting a reference made to an underground electrical system to include all public and private utilities affected by the project.

RECITALS

A. On November 15, 2005, the city council adopted Ordinance No. 3767, which authorized the condemnation 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, in order to construct an underground electrical system and road improvements for the South 277th Street corridor extension project.

B. Although the body of the ordinance provided that council authorized condemnation of all necessary real property and/or property rights, the summary statement of the ordinance provided for condemnation of only

1 Amend Ordinance No. 3767 - 277th St. Corridor Extension Project
surface and aerial property rights necessary for the project, which created an inconsistency in the condemnation authorization given by council in its Ordinance No. 3767. The purpose of this ordinance is to correct that inconsistency. In addition, it is also necessary to correct a reference made in the summary statement to an underground electrical system to expand the description to include all public and private utilities affected by the project.

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

ORDINANCE

SECTION 1. - Amendment. The caption of Ordinance No. 3767 is amended as follows:

ORDINANCE NO. 3767

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 public and private utilities 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 real property and/or 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.
SECTION 2. - Record Amended Ordinance. Upon adoption, the city clerk shall record this ordinance with the King County Recorder’s Office in order to give the public notice of its effect and amendment to Ordinance No. 3767.

SECTION 3. - Ratification. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

SECTION 4. - Severability. If any one or more sections, subsections, or sentences of this ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

SECTION 5. - Effective Date. This ordinance shall take effect and be in force five (5) days from and after its publication as provided by law.

[Signatures]

SUZETTE COOKE, MAYOR

ATTEST:

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

TOM BRUBAKER, CITY ATTORNEY

Amend Ordinance No. 3767 - 277th St. Corridor Extension Project
PASSED: 5 day of September, 2006.
APPROVED: 5 day of September, 2006.
PUBLISHED: 9 day of September, 2006.

I hereby certify that this is a true copy of Ordinance No. 3811 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
(SEAL)
WASHINGTON STATE COUNTY AUDITOR/RECORDER'S COVER SHEET

Document Title: City of Kent Ordinance No. 3811: Relating to Eminent Domain

Reference Number(s): 20060110000427

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

Grantee(s): The Public

Abbreviated Legal Description:

Ptsns. of Sec. 29; Twn. 22N, Rng 5E, W.M. King County, State of Washington; Ptns of Sec. 28; Twn. 22N, Rng 5E, W.M. King County, State of Washington

Additional legal description on Exhibit “A” of document

Assessor’s Property Tax Parcel/Account Number(s):
292205-9130, 292205-9232, 292205-9144, 292205-9145, 292205-9072, 292205-9132, 292205-9123, 292205-9296
292205-9297, 675670-0060, 675670-0040, 675670-0030, 675670-0020, 675670-0010, 282205-9229, 282205-9104, 282205-9105, 813330-0010, 813330-0010, 813330-0000, 813330-0070, 813330-0090, 282205-9221, 282205-9092, 282205-9013

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.