Ordinance No. 3812

(Amending or Repealing Ordinances)

CFN=113 – Railroads
Passed – 9/5/2006
Amend Ordinance No. 3768-S. 228th St. BNSF Grade Separation

Recorder’s # 20060919002105

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 to Ordinance No. 3768, which authorized the condemnation of real property and/or property rights for the construction of the S. 228th Street underpass, in order to correct language that is inconsistent with the language contained in the body of the ordinance. This ordinance corrects the summary statement for Ordinance No. 3768 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 further correcting a reference to construction of a roadway overpass to clarify that this is a grade separation project.

RECITALS

A. On November 15, 2005, the city council adopted Ordinance No. 3768, which authorized the condemnation of real property and/or property rights located 600 feet east and west of the Burlington Northern Santa Fe railroad tracks adjacent to South 228th Street in order to construct a roadway underpass.

B. Although the body of the ordinance provided that council authorized condemnation of all necessary real property and/or property rights, the caption of the ordinance provided for condemnation of only surface and aerial property rights necessary for the project, which created an inconsistency in the condemnation authorization given by council in its Ordinance No. 3768. 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 construction of a roadway underpass to clarify that this is a grade separation project.

1 Amend Ordinance No. 3768-S. 228th St. BNSF Grade Separation
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. 3768 is amended as follows:

ORDINANCE NO. 3768

AN ORDINANCE of the city council of the city of Kent, Washington, providing for the acquisition of real property and/or property rights located 600 feet east and west of the Burlington Northern Santa Fe railroad tracks adjacent to South 228th Street. This action is being taken in order to construct the South 228th Street grade separation roadway underpass. This ordinance provides for the condemnation, appropriation, taking, and damaging of such surface and aerial real property and/or rights as are necessary for that purpose and provides for the payment thereof out of the S. 228th Street BNSF RR Grade Separation Project fund (Fund No R90067.66100 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. 3768.

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.

Amend Ordinance No. 3768- S. 228th St. BNSF Grade Separation
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.

Suzette Cooke
SUZETTE COOKE, MAYOR

ATTEST:

Brenda Jacober
BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

TOM BRUBAKER, CITY ATTORNEY

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. 3812 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 (SEAL)
BRENDA JACOBER, CITY CLERK

Amend Ordinance No. 3768-S. 228th St. BNSF Grade Separation
WASHINGTON STATE COUNTY AUDITOR/RECORDER'S COVER SHEET

Document Title: City of Kent Ordinance No. 3812: Relating to Eminent Domain

Reference Number(s): 20060100000428

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

Grantee(s): The Public

Abbreviated Legal Description:

Ptns. of Sec. 13; 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): 132204-9168, 132204-9059, 132204-9183, 132204-9356, 132204-9357, 383090-0410, 132204-9040

Project Name: S. 228th Street BNSF RR Grade Separation 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 effect upon title.