Ordinance No. 3873
(Amending or Repealing Ordinances)

CFN=1313 – Condemnation Ordinance
Passed – 2/5/2008
East Valley Highway Improvement Project Condemnation Ordinance

Recorder’s # 20080304001289

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. 3873

AN ORDINANCE of the City Council of the City of Kent, Washington, providing for the acquisition of real property and/or property rights located along 84th Avenue South (East Valley Highway) from South 224th Street to South 212th Street. This action is being taken in order to construct the improvements to widen and improve the roadways. This Ordinance provides for the condemnation, appropriation, taking and damaging of real property and/or rights as are necessary for that purpose and provides for the payment thereof out of the East Valley Highway Improvement Project fund (Fund No. R90056). 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 the corporate limits of the City of Kent in 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 East Valley Highway 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 within the corporate limits of the City of Kent 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 and owners of record

East Valley Highway Improvement Project
Condemnation Ordinance
affected by this ordinance are 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 lawfully permitted within rights of way.

SECTION 2. The City authorizes the acquisition by condemnation of all or a portion of the Property and/or rights in the Property for the construction, extension, improvement, widening, alteration, maintenance and reconstruction of the Projects, together with all necessary appurtenances and related work to make a complete roadway improvement according to applicable design, construction and traffic standards and to accommodate other municipal purposes lawfully permitted within rights of way.

SECTION 3. The City shall condemn the Property and/or rights in the Property only upon completion of all steps and procedures required by applicable federal, state, and/or local laws and regulations. The City’s possession and use of the Property and/or rights shall commence only after a firm offer has been made and that amount has first been paid to the owner(s) and encumbrancers or paid into the registry of the court for the owner(s) and encumbrancers - in the manner prescribed by law. Title shall not pass to the City until the time just compensation has been either agreed upon or has been finally adjudged by a court of competent jurisdiction and that amount along with any interest accrued has been either distributed to the owner(s) and encumbrancers or paid in full into the registry of the court.

SECTION 4. The City shall pay for the entire cost of the acquisition by condemnation provided for in this ordinance through the City's "East Valley Highway Improvement Project" fund (Fund No. R90056), or from any of the City’s general funds, if necessary, as may be permitted 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 and/or interests therein. The City Council authorizes the city attorney to enter into settlements, stipulations, or agreements in order to mitigate damages and/or to minimize costs. The bases for such 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; the acquisition of temporary construction easements and other limited property interests; and costs and attorneys fees.

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:

SUZETTE COOKE, MAYOR

BRENDA JACOBER, CITY CLERK
I hereby certify that this is a true copy of Ordinance No. 3873 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

P:\Civ\Ordinance\Condemn-EastValleyHwyImprovement.doc
EXHIBIT A
ORDER NO. 634523

OWNER: RSD KNIGHT, LLC

TAX PARCEL NO.: 122204-9082

Lot 4, City of Kent Short Plat Number SPC-76-10, recorded under Recording Number 7611180568, being a portion of the following:

The east 256.72 feet of the northeast quarter of the southeast quarter of the northeast quarter of Section 12, Township 22 North, Range 4 East, W.M., in King County, Washington;
EXCEPT the south 30 feet;
AND EXCEPT the north 198 feet;
AND ALSO EXCEPT the east 42 feet thereof.

EXHIBIT "A"
PAGE 1 OF 20
OWNER: CBGPK PARTNERSHIP

TAX PARCEL NO.: 122204-9095

Lot 3, City of Kent Short Plat Number SPC 76-10, recorded under Recording Number 7611180568, being a portion of the following:

The east 256.72 feet of the northeast quarter of the southeast quarter of the northeast quarter of Section 12, Township 22 North, Range 4 East, W.M., in King County, Washington;

EXCEPT the south 30 feet;

AND EXCEPT the north 198 feet;

AND ALSO EXCEPT the east 42 feet thereof as conveyed to the City of Kent by instruments recorded under Recording Numbers 7207210155 and 7207210156.
Lot 2, City of Kent Short Plat SPC 76-10, recorded under Recording Number 7611180568, being a portion of the following described property:

The east 256.72 feet of the northeast quarter of southeast quarter of the northeast quarter of Section 12, Township 22 North, Range 4 East, W.M., in King County, Washington; EXCEPT the south 30 feet; EXCEPT the north 198 feet; EXCEPT the east 42 feet for road.
Lot 1, City of Kent Short Plat No. SPC-76-10, recorded under Recording Number 761180568, being a portion of the following:

The east 256.72 feet of the northeast quarter of the southeast quarter of the northeast quarter of Section 12, Township 22 North, Range 4 East, W.M., in King County, Washington.
EXCEPT the south 30 feet;
AND EXCEPT the north 198 feet;
AND, ALSO EXCEPT the east 42 feet thereof

TOGETHER WITH an easement for ingress, egress and utilities over the south 30 feet of the west 214.75 feet of the east 256.75 feet of the north half of the southeast quarter of the northeast quarter of Section 12, Township 22 North, Range 4 East, W.M., in King County, Washington

EXHIBIT "A"
PAGE 4 OF 20
OWNER: UPS

Lot 2, City of Kent Short Plat No. SPC-77-36, recorded under Recording Number 7811080733, being a portion of the south half of the southeast quarter of the northeast quarter and the south 15 feet of the north half of the southeast quarter of the northeast quarter of Section 12, Township 22 North, Range 4 East, W.M., in King County, Washington; EXCEPT the east 30 feet thereof.
Parcel A:

The east 104 feet of the north 70 feet of the north half of the southeast quarter of the southeast quarter of the northeast quarter of Section 12 Township 22 North Range 4 East, W. M. in King County, Washington; EXCEPT those portions deeded for road purposes by instruments recorded under Recording Numbers 749613 and 7309040007.

Parcel B:

The south 114 feet of the north 184 feet of the east 156 feet of the south half of the southeast quarter of the northeast quarter of Section 12 Township 22 North Range 4 East, W. M. in King County, Washington; EXCEPT those portions deeded for road purposes by instruments recorded under Recording Numbers 749613 and 7309040007.

Parcel C:

The south 31 feet of the north 215 feet of the east 156 feet of the south half of the southeast quarter of the northeast quarter of Section 12 Township 22 North Range 4 East, W. M. in King County, Washington; EXCEPT those portions deeded for road purposes by instruments recorded under Recording Numbers 749613 and 7309040007.

Parcel D:

The south 60 feet of the north 275 feet of the east 156 feet of the south half of the southeast quarter of the northeast quarter of Section 12 Township 22 North Range 4 East, W. M. in King County, Washington; EXCEPT those portions deeded for road purposes by instruments recorded under Recording Numbers 749613 and 7309040007.
Lot 2 of City of Kent Short Plat Number SP-90-2 (Andover Short Plat), recorded under Recording Number 9007310700, being a portion of Tract 4, Kent Five-Acre Tracts, according to the plat thereof recorded in Volume 10 of Plats, page 19, in King County, Washington.
Order No. 634529

OWNER. CHRIS G. PALLIS

TAX PARCEL NO.: 383000-0023

PARCEL A:

The east 234.00 feet of the north half of Tract 4, Kent 5 Acre Tracts, according to the plat thereof recorded in Volume 10 of Plats, page 19, in King County, Washington;
EXCEPT the north 30 feet;
EXCEPT the east 12 feet deeded for right of way by deeds recorded under Recording Numbers 7212040079 and 7222040080, in King County, Washington;
(ALSO KNOWN AS Lot A City of Kent Lot Line Adjustment; approved August 30, 1983, as recorded under King County, Recording Number 8309120841);
TOGETHER WITH an easement for ingress and egress over the north 30 feet of the east 234.00 feet of the north half of Tract 4 to provide unlimited access to any and all points to the above described property.

PARCEL B:

Portion of Lot 3, City of Kent Short Plat No. SP-90-2 (Andover Short Plat) Recording Number 9007310700, King County, Washington, being a portion of Tract 4 of Kent Five-Acre Tracts, according to the plat thereof recorded in Volume 10 of Plats, page 19, in King County, Washington, described as follows:
Commencing at the southeast corner of Tract 4, Kent Five-Acre Tracts;
Thence north 88°26'00" west 18.50 feet to the TRUE POINT OF BEGINNING;
Thence north 01°13'39" east 160.70 feet;
Thence north 88°25'54" west 165.50 feet;
Thence south 01°13'39" west 160.70 feet;
Thence south 88°25'00" east 165.50 feet to the TRUE POINT OF BEGINNING;

EXHIBIT "A"
PAGE 8 OF 20
LEGAL DESCRIPTION, continued:

(ALSO KNOWN AS Lot B, City of Kent Lot Line Adjustment No. LL-94-13, recorded under Recording Number 9406070431).
That portion of the south half of the southeast quarter of Section 12, Township 22 North, Range 4 East, W.M., in King County, Washington, described as follows:

Beginning at the northeast corner of said south half of the southeast quarter;
Thence west along the north line of said south half of the southeast quarter 30 feet to an intersection with a line 30 feet west of and parallel with the east line of said south half of the southeast quarter;
Thence south along said parallel line, a distance of 30 feet to the TRUE POINT OF BEGINNING;
Thence west along a line 30 feet south of and parallel with the north line of said south half of the southeast quarter a distance of 320 feet;
Thence south to a point on the north line of Tract 4, Shinn's Valley Home Addition, according to the plat thereof recorded in Volume 7 of Plats, page 22, in King County, Washington, which point is 320 feet west of a line 30 feet west of and parallel with the east line of said south half of the southeast quarter;
Thence east 320 feet to said last described parallel line;
Thence north along said parallel line to a point 30 feet south of the north line of said south half of the southeast quarter and the TRUE POINT OF BEGINNING;
EXCEPT the east 12 feet thereof, conveyed to the City of Kent for street purposes, by deeds recorded under Recording Numbers 7206210073 and 7206210074.
Order No. 634531

OWNER: MV MOTELS, INC

TAX PARCEL NO.: 775980-0020

Lot 2, City of Kent Short Plat No. 75-1, recorded under Recording Number 7503310529, in King County, Washington, said short plat being a portion of Tract 2, Shinn's Valley Home Addition to Kent, according to the plat thereof recorded in Volume 7 of Plats, page 22, in King County, Washington.

EXHIBIT "A"
PAGE 11 OF 20
Lot 3, City of Kent Short Plat No. SPC-76-31, recorded under Recording Number 7705090836, in King County, Washington, said short plat being a portion of Tract 3, Shinn's Valley Home Addition to Kent, according to the plat thereof recorded in Volume 7 of Plats, page 22, in King County, Washington.
That portion of Tract 9, Shinn's Cloverdale Addition to Kent, according to the plat thereof recorded in Volume 6 of Plats, page 52, in King County, Washington, described as follows:

Beginning at the southwest corner of Tract 9 of Shinn's Cloverdale Addition to Kent, according to the plat thereof recorded in Volume 6 of Plats, page 52, in King County, Washington;

Thence north along the west line of said Tract 9, 90 feet;

Thence east parallel to the south line of said Tract 9, 244 feet;

Thence south parallel to the west line of said tract, 90 feet to the south line of said tract;

Thence west along the south line of said tract, 244 feet to the point of beginning;

EXCEPT that portion thereof conveyed to the City of Kent by deed recorded under Recording Number 7212180040;

AND EXCEPT that portion thereof conveyed to the City of Kent by deed recorded under Recording Number 9008061003.

EXHIBIT "A"
The west 252 feet of the north 117.24 feet of Tract 7, Shinns Cloverdale Addition to Kent, according to the plat thereof recorded in Volume 6 of Plats, page 52, in King County, Washington; EXCEPT the west 12 feet, as deeded to the City of Kent for street purposes under King County Recording Number 7207240020.
The north 209 feet of the west 300 feet of Tract 6, Shinn's Cloverdale Addition to Kent, according to the plat thereof recorded in Volume 6 of Plats, page 52, in King County, Washington; EXCEPT the west 12 feet thereof conveyed to the City of Kent for street by deed recorded under Recording Number 7301310050.
Tract 6, Shinns Cloverdale Addition to Kent, according to the plat thereof recorded in Volume 6 of Plats, page 52, in King County, Washington, EXCEPT the north 209 feet of the west 300 feet of said Tract 6.
ORDER NO. 634S43

OWNER: ERNEST A. REINHARD
TAX PARCEL NO.: 755780-0055

The west 350 feet of Tract 5, Shinns Cloverdale Addition to Kent, according to the plat thereof recorded in Volume 6 of Plats, page 52, in King County, Washington;
EXCEPT the west 12 feet thereof conveyed to the City of Kent by deed recorded under Recording Number 7209150084 for the widening of 84th Avenue South;

TOGETHER WITH an easement for ingress and egress over the south 15 feet of the west 350 feet of Lot 6 of said plat, as set forth under Recording Number 4898571.

EXHIBIT "A"
PAGE 17 OF 20
That portion of Tract 4, Shinns Cloverdale Addition to Kent, according to the plat thereof recorded in Volume 6 of Plats, page 52, in King County, Washington, described as follows:

Beginning at the northwest corner of said Tract 4;
Thence east along the north line of said Tract 4, a distance of 485 feet;
Thence southerly 90 feet along a line which, extended southerly, would intersect the south line of said tract, distant 488 feet from the southwest corner of said Tract 4;
Thence west along a line parallel with the north line of said Tract 4, a distance of 184 feet to the TRUE POINT OF BEGINNING this description;
Thence north parallel with the west line of said Tract 4, a distance of 90 feet, more or less, to the north line of said Tract 4;
Thence west along said north line 301 feet, more or less, to the west line of said Tract 4;
Thence south along said west line to the north line of the south 187 feet of Tract 4;
Thence east along said north line 250 feet to the east line of the west 250 feet of said Tract 4;
Thence south along said east line to a point that bears west, as measured parallel with the north line of said Tract 4, from the TRUE POINT OF BEGINNING;
Thence east to the TRUE POINT OF BEGINNING;
EXCEPT the west 12 feet thereof, conveyed to the City of Kent for street purposes by deed recorded under Recording Number 7305230121;

ALSO that portion of Tract 4, Shinns Cloverdale Addition to Kent, according to the plat thereof recorded in Volume 6 of Plats, page 52, in King County, Washington, described as follows:

Beginning at the northwest corner of said Tract 4;
Thence east along the north line of said Tract 4 to a point 184 feet west of the easterly line of west 485 feet of said Tract 4 and the TRUE POINT OF BEGINNING of this description;
Thence east along the north line of said Tract 4, a distance of 184 feet to the east line of the west 485 feet of said Tract 4;
Thence southerly 90 feet along a line which, if extended southerly, would intersect the south line of said tract, distant 488 feet from the southwest corner of said Tract 4;
LEGAL DESCRIPTION, continued:

Thence west along a line parallel with the north line of said Tract 4, a distance of 184 feet; 
Thence north parallel with the west line of Tract 4, a distance of 90 feet, more or less, to the TRUE POINT OF BEGINNING.

PARCEL B:

The north 100 feet of the south 187 feet of the west 250 feet of Tract 4, Shinns Cloverdale Addition to Kent, according to the plat thereof recorded in Volume 6 of Plats, page 52, in King County, Washington; 
EXCEPT the west 12 feet thereof conveyed to the City of Kent for street purposes by deeds recorded under Recording Numbers 7207240025 and 7207240026.

PARCEL C:

The south 87 feet of the west 250 feet of Tract 4, Shinns Cloverdale Addition to the City of Kent, according to the plat thereof recorded in Volume 6 of Plats, page 52, in King County, Washington; 
EXCEPT the west 12 feet thereof conveyed to the City of Kent for street purposes by deeds under Recording Numbers 7210240047 and 7210240048.

PARCEL D:

The north 100 feet of the west 250 feet of Tract 3, Shinns Cloverdale Addition to Kent, according to the plat thereof recorded in Volume 6 of Plats, page 52, in King County, Washington; 
EXCEPT the west 12 feet thereof conveyed to the City of Kent for street purposes by deeds recorded under Recording Numbers 7405090080 and 7405090081.
The west 402 feet of Tract 3, Shinn's Cloverdale Addition to Kent, according to the plat thereof recorded in Volume 6 of Plats, page 42, in King County, Washington; EXCEPT the north 100 feet of the west 250 feet thereof; AND EXCEPT the east 125 feet thereof; AND EXCEPT that portion thereof conveyed to the City of Kent by deed recorded under Recording Number 7209280087.
WASHINGTON STATE COUNTY AUDITOR/RECORDER'S COVER SHEET

Document Title: City of Kent Ordinance No. 3873: Relating to Eminent Domain
Reference Number(s): N/A
Grantor(s): City of Kent, a Washington municipal corporation
Grantee(s): The Public

Abbreviated Legal Description:
Ptns. of Sec. 12; Twn. 22N, Rng 4E, W.M. King County, State of Washington; Ptns of Kent 5 Acre Tracts, Vol. 10 of Plats, page 19, King County, State of Washington; Ptns of Shinn's Cloverdale Addition to the City of Kent, Vol. 6 of Plats, page 52, King County, State of Washington; Ptns of Shinn's Cloverdale Addition to the City of Kent, Vol. 7 of Plats, page 22, King County, State of Washington; Ptns of Shinn's Cloverdale Addition to the City of Kent, Vol. 6 of Plats, page 42, King County, State of Washington

Additional legal description on Exhibit "A" of document

Assessor’s Property Tax Parcel/Account Number(s): 122204-9082, 122204-9095
122204-9094, 122204-9040, 122204-9107, 122204-9048, 122204-9052, 122204-9065
122204-9071, 383000-0022, 383000-0023, 122204-9028, 775980-0020, 775980-0030
775780-0091, 775780-0070, 775780-0060, 775780-0050, 775780-0055, 775780-0032
775780-0041, 775780-0043, 775780-0044, 775780-0030

Project Name: East Valley Highway 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.