ORDINANCE NO. 4046

AN ORDINANCE of the city council of the city of Kent, Washington, providing for the acquisition of certain property and/or property rights in order to construct, extend, widen, improve, alter, maintain, and reconstruct portions of the Green River levee system; providing for the condemnation, appropriation, taking, and damaging of such property rights as are necessary for that purpose; providing for the payment thereof out of the drainage fund; directing the city attorney to prosecute the appropriate legal proceedings, together with the authority to enter into settlements, stipulations, or other agreements; and acknowledging that all of the affected real property is located within the corporate limits of the city of Kent in King County, Washington.

RECITALS

A. The Green River Levee Improvement Project ("Project") is necessary to provide flood protection to the City of Kent.

B. Property and property rights along the alignment of the Project must be acquired in order to complete the Project.

C. Efforts are now ongoing to acquire the properties necessary for this public use by negotiation and settlement agreements.

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Green River Levee Improvement Condemnation Ordinance
D. In the event that negotiated acquisition is not fully successful in advance of the anticipated commencement of construction, it is essential that the city be prepared to initiate condemnation proceedings so that the Project can be timely constructed.

E. The City has provided notice in the manner provided for in RCW 8.12.005 and 8.25.290.

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

ORDINANCE

SECTION 1. After receiving the report of city staff and after reviewing the planned improvements for 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 Kent in King County, Washington, in order to acquire the necessary property and/or property rights for the construction of the Project, including all necessary appurtenances. The properties to be acquired are approximately depicted in Exhibit “A,” and legally described in Exhibit “B,” both of which are attached hereto and incorporated herein by this reference (“Properties”). The purposes for which this condemnation is authorized shall include, without limitation, all acts necessary to complete the construction, extension, improvement, widening, alteration, maintenance, and reconstruction of the Project, including improvements for drainage, curbs and gutters, sidewalks, bicycle paths, landscaping, illumination, signal improvements, electrical facilities, utilities, utility

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adjustments, and relocations, and any other levee, street, or municipal purposes that may become necessary from time to time on the Properties.

**SECTION 2.** The city authorizes the acquisition by condemnation of all or a portion of the Properties for the construction, extension, improvement, widening, alteration, maintenance, and reconstruction of the Project, including acquisition of property and/or property rights, together with all necessary appurtenances and related work to make a complete improvement according to city standards.

**SECTION 3.** The city shall condemn the Properties only upon completion of all steps and procedures required by applicable federal, state, and/or local laws and 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 drainage fund 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 Properties. In commencing this condemnation procedure, the city council authorizes the city attorney to enter into settlements, stipulations, or agreements in order to minimize damages, which settlements, stipulations, or agreements may include but not be 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. - Severability. If any one or more section, subsection, or sentence of this ordinance is 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 7. - Corrections by City Clerk or Code Reviser. Upon approval of the city attorney, the city clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; ordinance, section, or subsection numbering; or references to other local, state or federal laws, codes, rules, or regulations.

SECTION 8. - Effective Date. This ordinance shall take effect and be in force five (5) days from and after its passage, approval, and publication as provided by law. The City Clerk is directed to publish a summary of this ordinance at the earliest possible publication date.

Suzette Cooke, Mayor

Brenda Jacob, City Clerk

ATTEST:

Suzette Cooke, Mayor

Brenda Jacob, City Clerk
APPROVED AS TO FORM:

TOM BRUBAKER, CITY ATTORNEY

PASSED:  21 day of August, 2012.
APPROVED:  21 day of August, 2012.
PUBLISHED:  24 day of August, 2012.

I hereby certify that this is a true copy of Ordinance No. 4046 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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Green River Levee Improvement Condemnation Ordinance
NEW SLOPE EASEMENT AREA = 4,405 SQ FT
PROPOSED EASEMENT

EXISTING EASEMENT

EXISTING R/W

EXISTING R/W

T.L. 000660-0109
T.R.
TRANSFORM LTD
1004 3RD AVE S.

GREEN RIVER

CITY OF KENT

HORSESHOE BEND
LEVEE IMPROVEMENTS

CITY OF KENT
ENGINEERING DEPARTMENT

SCALE: 1''=80'

T.L. 0006600016
T.R. 666666
CITY OF KENT

EXISTING EASEMENT

13,050 SQ FT (522'X25')

EASEMENT AREA = 8,776 SQ FT

TAKE AREA = 13,152 SQ FT
Tax ID Number 242204-9004 located at 600 Washington Avenue S.
Lot B, as shown on City of Kent Lot Line Adjustment No. LL-2007-15 and as recorded in King County, Washington, on April 14, 2008, under King County Recording No. 20080414002363, in King County, State of Washington,

Except the westerly 8 feet conveyed to City of Kent by deed recorded June 15, 2009, under Recording No. 20090615001086.
Tax I.D. Number 000660-0109 located at 1004 3rd Avenue S. Kent 98032

Lot 2, City of Kent Short Plat Number SPC-77-30 recorded under Recording Number 7802070643. Said short plat being portion of S.W. Russell Donation Claim Number 41, in King County, Washington.
AFTER RECORDING MAIL TO:
Name City of Kent Law Department
Address 220 Fourth Avenue South
City/State Kent, WA 98032-5895
Attn: Kim Komoto

Document Title(s):
1. Ordinance No. 4046

Reference Number(s) of Documents Assigned or released:

Grantor(s):
1. City of Kent, a Washington municipal corporation
2. [ ] Additional information on page of document

Grantee(s):
1. The Public
2. [ ] Additional information on page of document

Abbreviated Legal Description:
Lot B, City of Kent Lot Line Adjustment No. LL-2007-15, Recording No. 20080414002363; & LOT 2, City of Kent SP No. SPC-77-30 Recording No. 7802070643; both King County

Tax Parcel Number(s):
242204-9004 & 000660-0109

[ X ] Complete legal description is on page Exhibit B of document

Said documents were filed of record as an accommodation only. It has not been examined as to proper execution or as to its effect upon title.