ORDINANCE NO. 4308

AN ORDINANCE of the City Council of the City of Kent, Washington, repealing Ordinance No. 4302 and right of way dedications made therein, and through this ordinance dedicating as right of way a portion of City-owned property located at Morrill Meadows Park and abutting SE 248th Street, authorizing the Mayor to sign all documents necessary to finalize and define the dedications authorized by this ordinance, and directing the City Clerk to record a certified copy of this amending ordinance upon its passage.

RECITALS

A. In July of 2018, the City of Kent and the YMCA of Greater Seattle finalized documents that memorialized their collaborative project to construct a YMCA facility and park improvements within Morrill Meadows Park. The project’s development requires construction of a number of frontage improvements, including the widening of a portion of SE 248th Street, the installation of a left turn lane at the YMCA’s entrance, the construction of sidewalks, and the undergrounding of utilities.

B. In order for the YMCA to construct the required frontage improvements, it is necessary for the City to dedicate and define a portion of City-owned land at Morrill Meadows for right of way purposes. Morrill

1 Repeal Ordinance No. 4302 and Dedication of Public Right of Way at Morrill Meadows Park and SE 248th Street
Meadows Park is also generally referred to as King County Tax Parcel No. 783080-0410, and the south 12 feet of a portion of that parcel, as legally described in this ordinance, will be dedicated as City right of way. This dedication will formally establish and define the boundaries of the right of way, which is necessary due to others who make use of City rights of way, including utility, cable, and telecommunication providers.

C. On December 11, 2018, Council adopted Ordinance No. 4302, which dedicated a larger right of way and utility access area that included future needs along the full length of SE 248th Street along Morrill Meadows Park. However, dedicating a larger area for future needs would have triggered conversion and replacement property requirements on prior grants the City acquired from the state Recreation and Conservation Office (“RCO”). As a result, staff worked with interested utility providers to limit the right of way to the smallest area of land necessary for current development purposes. In order to revise the right of way dedication to this smaller area, this ordinance repeals Ordinance No. 4302 and redefines the right of way dedication.

D. Although Ordinance No. 4302 directed the City Clerk to record a certified copy of that ordinance, there was an error in the electronic process that resulted in the ordinance not being recorded. Therefore, once the right of way area is dedicated through Council’s adoption of this ordinance, the City Clerk will be directed to record a certified copy of this ordinance with the King County Recorder’s Office.

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

2 Repeal Ordinance No. 4302 and Dedication of Public Right of Way at Morrill Meadows Park and SE 248th Street
ORDINANCE

SECTION 1. - Repealer. Ordinance No. 4302, adopted by the City Council on December 11, 2018, is hereby repealed in its entirety.

SECTION 2. - Dedication of Right of Way. The south 12 feet of City-owned real property legally described on the attached and incorporated Exhibit A is hereby dedicated for right of way purposes, including without limitation roadway, sidewalk, and pedestrian path improvements and utility undergrounding and installation.

SECTION 3. - Mayor Authorized to Finalize and Sign. The Mayor is authorized to sign all documents necessary to finalize and define the dedications authorized by this ordinance.

SECTION 4. - City Clerk to Record Ordinance. The City Clerk is hereby directed to attach an appropriate cover sheet and record a certified copy of this ordinance with the King County Recorder’s Office.

SECTION 5. - 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 6. - Effective Date. This ordinance shall take effect and be in force 30 days from and after its passage as provided by law.

DANA RALPH, MAYOR

Date Approved 2/5/19

3 Repeal Ordinance No. 4302 and Dedication of Public Right of Way at Morrill Meadows Park and SE 248th Street
Repeal Ordinance No. 4302 and Dedication of Public Right of Way at Morrill Meadows Park and SE 248th Street
EXHIBIT A

TAX LOT 7830800410

THE SOUTH 12.00 FEET OF THE EAST 840.00 FEET OF THE FOLLOWING DESCRIBED PARCEL;

LOTS 25, 26 AND 27, R.O. SMITH’S ORCHARD TRACTS ADDITION TO KENT, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 12 OF PLATS, PAGE 27, RECORDS OF KING COUNTY, WASHINGTON; EXCEPT THAT PORTION OF SAID LOT 27, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 27; THENCE SOUTH 89°17'25" EAST ALONG THE NORTH LINE OF SAID LOT 27, FOR A DISTANCE OF 14.08 FEET; THENCE SOUTH 3°30 06" EAST ALONG AN EXISTING FENCE FOR A DISTANCE OF 126.34 FEET; THENCE NORTH 89°17'25" WEST FOR A DISTANCE OF 24.05 FEET TO THE WEST LINE OF SAID LOT 27; THENCE NORTH 01°01'23" EAST ALONG SAID WEST LINE FOR A DISTANCE OF 126.00 FEET TO THE POINT OF BEGINNING;

EXCEPT THE SOUTH 1.5 FEET THEREOF CONVEYED IN DEED UNDER RECORDING NO. 9809303437;

TOGETHER WITH THAT PORTION OF 108TH AVENUE SOUTHEAST, AS VACATED BY CITY OF KENT ORDINANCE NO. 3766, UNDER RECORDING NO. 20060110000426, BEING THE EAST 30.00 FEET OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 22 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, EXCEPT THAT PORTION LYING WITHIN SOUTHEAST 248TH STREET;

TOGETHER WITH THAT PORTION OF SOUTH HALF OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 22 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, LYING WEST OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE NORTH 89°17'11" WEST ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 1919.02 FEET; THENCE NORTH 00°26 03" EAST, A DISTANCE OF 30.00 FEET, TO THE NORTH MARGIN OF SOUTHEAST 248TH STREET AND THE TRUE POINT OF BEGINNING; THENCE CONTINUING NORTH 00°26'03" EAST, ALONG AN EXISTING FENCE, A DISTANCE OF 629.08 FEET, TO THE NORTH LINE OF SAID SOUTH HALF OF THE SOUTH HALF.

TO KENT AS RECORDED IN VOLUME 12 OF PLATS, PAGE 27, IN KING COUNTY RECORDS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 20, TOWNSHIP 22 NORTH, RANGE 5 EAST, W.M.; THENCE NORTH 88°43'15" WEST, ALONG THE SOUTH LINE OF THE NORTH HALF OF SAID SECTION 20, A DISTANCE OF 2,355.69 FEET; THENCE NORTH 1°16'45" EAST, PERPENDICULAR TO SAID SOUTH LINE, 30.00 FEET TO THE NORTH MARGIN OF SOUTHEAST 248TH STREET, AND THE POINT OF BEGINNING; THENCE, CONTINUING NORTH 1°16'45" EAST, 323.00 FEET TO THE NORTH LINE OF THE SOUTH 353.00 FEET OF THE NORTH HALF OF SECTION 20; THENCE NORTH 88°43'15" WEST, ALONG SAID NORTH LINE, 297.28 FEET; THENCE SOUTH 1°16'45" WEST, PERPENDICULAR TO SAID SOUTH LINE, 213.00 FEET, TO THE NORTH LINE OF THE SOUTH 140 FEET OF THE NORTH HALF OF SECTION 20; THENCE SOUTH 88°43'15" EAST, ALONG SAID NORTH LINE, 252.28 FEET; THENCE SOUTH 1°16'45" WEST, PERPENDICULAR TO SAID SOUTH LINE, 110.00 FEET, TO THE NORTH MARGIN OF SOUTHEAST 248TH STREET; THENCE SOUTH 88°43'15" EAST ALONG SAID NORTH MARGIN 45.00 FEET TO THE POINT OF BEGINNING.

(ALSO KNOWN AS ADJUSTED PARCEL "B" OF CITY OF KENT LLA LL-2018-2 RECORDED UNDER KING COUNTY RECORDING NO. 20180613001395)