AFTER RECORDING MAIL TO:
City Clerk
City of Kent
220 Fourth Avenue South
Kent, WA 98032

WASHINGTON STATE RECORDER’S COVER SHEET

DOCUMENT TITLE(S):
1. City of Kent Ordinance No. 4315 Relating to Condemnation

REFERENCE NUMBER(S) OF DOCUMENTS ASSIGNED OR RELEASED: N/A

GRANTOR(S):
1. City of Kent, a Washington municipal corporation

GRANTEE(S):
1. City of Kent, a Washington municipal corporation

PARCEL NUMBERS: 2422049057, 1322049102, 1322049124

Abbreviated Legal Descriptions:

1322049124 - POR NE QTR OF SE QTR STR 13-22-04 DAF: BEG NE COR SD SUBD TH DUE S ALG E LN THOF 657.10 FT TH N 89-23-20 W 505.93 FT TO W LN ST RD NO 5 TH N 32-40-30 E ALG SD W LN 7.08 FT TO TPOB TH N89-23-20W 698.58 FT TO PT ON E LN N PACIFIC R Wy CO R/W WCH IS S 00-51-33 W 2.01 FT FR N LN OF S 703.40 FT OF SD SUBD TH S 00-51-33 W ALG SD E LN 96.03 FT TH S 89-23-20 E TO WLY LN ST RD NO 5 TH N 32-40-30 E ALG SD WLY LN TO TPOB LESS E 7.50 FT THOF MEAS AT R/A TO E LN THOF CONV TO CITY OF KENT UNDER RECORDING NO 8412100002

1322049102 - POR N 225 FT MEAS ALG W LN OF S 703.4 FT OF POR OF NE 1/4 OF SE 1/4 LY BET ST HWY # 5 & NP R/W LESS N 90.03 FT MEAS ALG W LN LESS SELY 7.5 FT THOF

2422049057 - POR S 842 FT OF THAT POR OF GL 7 & SE 1/4 OF NW 1/4 N OF WILLIS ST & E OF S T I RY R/W & W OF LN 340 FT W OF W LN BLK 21 OF YESLERS ADD TO KENT EXT N LESS ST HWY

LEGAL DESCRIPTION: Full legal description is located on pages 6, 7 and 8 of Ordinance

PROJECT NAME: Quiet Zone
CERTIFICATE
I, the undersigned City Clerk of the City of Kent, Washington, certify that this is a true and correct copy of Ordinance 4315. Signed and sealed this 11th day of March, 2019.

KIMILEY A. RONDEL
City Clerk

ORDINANCE NO. 4315

AN ORDINANCE of the City Council of the City of Kent, Washington, providing for the acquisition of real property and/or property rights located in Kent. This action is being taken in order to establish a Railroad Quiet Zone through the City of Kent. This ordinance provides for the condemnation, appropriation, taking, and damaging of real property and/or property rights as are necessary for this purpose and provides for the payment thereof out of the Quiet Zone Project Fund (R00016/10-3028). This ordinance also directs the City Attorney or designee 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.

RECITALS

A. The Quiet Zone Project (the "Project") will implement railroad grade crossing modifications consistent with 49 CFR Parts 222 and 229, Use of Locomotive Horns at Highway-Rail Grade Crossings, and the Washington Utilities and Transportation Commission highway-rail grade crossing requirements to allow the establishment of railroad Quiet Zones.
on the BNSF Railroad and Union Pacific Railroad mainlines through Kent. The establishment of a Quiet Zone will restrict the use of locomotive train horns at highway-rail crossings under most circumstances. A Quiet Zone may be established on a section of rail line at least one-half mile in length that contains one or more consecutive public grade crossings or a single public grade crossing.

B. The Project will include installation of fencing parallel to the railroad tracks at certain locations and other measures to offset the risk from locomotives not sounding horns at highway-rail grade crossings and to enhance the quality of life for the residents and businesses by establishing a Quiet Zone through the downtown Kent corridor.

C. To complete this portion of the Project, the City must acquire certain property and/or property rights. Efforts by City staff are currently ongoing to acquire the necessary property and/or property rights for this public use through negotiation and settlement agreements.

D. In the past, staff has not typically sought formal Council action authorizing eminent domain proceedings until negotiation efforts fail or stall. However, timing on the Project is critical due to grant timing issues. For this reason, staff has requested that Council authorize eminent domain proceedings for this public use now to place the City in a position to initiate condemnation proceedings without delay should negotiation efforts deteriorate. It is essential that the City be prepared to initiate condemnation proceedings so that the Project may be timely constructed.

E. Prior to Council’s action on this ordinance, the City provided the requisite notice to property owners in the manner provided for in RCW 8.12.005 and RCW 8.25.290.
F. The public use and necessity require that the property and property rights identified herein be condemned, appropriated and taken for public use by the City for such purposes as it may now or hereafter declare in the public interest.

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

ORDINANCE

SECTION 1. - Public Use and Necessity Declared. After receiving the report of City staff, and after reviewing the planned improvements for the Quiet Zone Project ("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 a portion of certain real property located 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 property affected by this portion of the Project is legally described in the attached and incorporated Exhibits A1, A2, and A3 (collectively, the "Property"). The acquisition area proposed for this portion of the Project is broadly depicted in the attached and incorporated Exhibits B1, B2, and B3 (collectively, the "Acquisition Area"). However, the scope and boundary of the Acquisition Area may change concerning the Property if engineering requires modification of the plans, and such changes are hereby authorized. The purposes for which this condemnation is authorized shall include, without limitation, all acts necessary to complete the construction, improvement, alteration, maintenance, reconstruction, and restoration of the Project, and any other municipal purpose that may be necessary from time to time on the Property.
SECTION 2. - Condemnation Authorized. The City Council authorizes the acquisition by condemnation of all or a portion of the Property for the construction, improvement, alteration, maintenance, and reconstruction of the Project, together with all necessary appurtenances and related work to make a complete improvement according to City standards.

SECTION 3. - Condemnation Procedures and Proceedings. The City shall condemn the Property only upon completion of all steps and procedures required by applicable federal or state law or 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. - Project Fund. The City shall pay for the entire cost of the acquisition by condemnation provided for in this ordinance through the City’s “Quiet Zone Project” fund (R00016/10-3028) or from any of the City’s general funds, if necessary, as may be provided by law.

SECTION 5. - City Attorney Authorized. In the event reasonable negotiation efforts are not successful with affected property owners, or if the timing of the Project otherwise requires, the City Attorney or his or her designee is authorized and directed to commence those proceedings provided by law that are necessary to condemn the Property. In commencing these condemnation proceedings, the City Council authorizes the City Attorney to enter into settlements, stipulations, or agreements in order to minimize damages. These 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, and the acquisition of temporary construction easements and other property interests.
SECTION 6. - Ratification. Any acts consistent with the authority of this ordinance and prior to its effective date are ratified and affirmed.

SECTION 7. - 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 8. - Effective Date. This ordinance shall take effect and be in force thirty days from and after its passage, as provided by law.

DANA RALPH, MAYOR

March 5, 2019

Date Approved

KIMBERLEY A. KOMOTO, CITY CLERK

March 5, 2019

Date Adopted

March 8, 2019

Date Published

ARThUR “PAT” FITzPATRICK, CITY ATTORNEY

Tammy Larson-White, Deputy City Attorney

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Condemnation Ordinance - Quiet Zone
TAX LOT 2422049057
EASEMENT

THE WEST 10 FEET OF THE FOLLOWING DESCRIBED PARCEL LYING SOUTH OF THE SOUTH LINE OF SR-516 AS ESTABLISHED BY KING COUNTY SUPERIOR COURT CAUSE NO. 657500:

BEING IN LOT 7 AND IN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 22 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS.

BEGINNING AT A POINT WHICH IS 340 FEET WEST OF THE SOUTHWEST CORNER OF BLOCK 21, PLAT OF YESLER'S FIRST ADDITION TO KENT, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 5 OF PLATS, PAGE 64, RECORDS OF KING COUNTY, WASHINGTON, AND MEASURED ALONG THE NORTH BOUNDARY LINE OF W. WILLIS ST.; THENCE NORTH AND PARALLEL TO AT A DISTANCE OF 10 FEET FROM THE GRANTOR'S EAST BOUNDARY LINE A DISTANCE OF 842.0 FEET; THENCE WEST A DISTANCE OF 146.89 FEET; THENCE SOUTH 5°53' EAST A DISTANCE OF 846.5 FEET TO A POINT ON THE NORTH BOUNDARY LINE OF WILLIS STREET; THENCE EAST ALONG THE NORTH BOUNDARY LINE OF WILLIS STREET, A DISTANCE OF 60.13 FEET TO THE POINT OF BEGINNING.

EXCEPT THAT PORTION CONDEMNED FOR HIGHWAY PURPOSES UNDER KING COUNTY SUPERIOR COURT CAUSE NO. 657500.

SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON.

CONTAINING 458 SQUARE FEET, MORE OR LESS.
EXHIBIT A-2

TAX LOT 1322049102
EASEMENT

THE NORTH 10.00 FEET AND THE WEST 5.00 FEET OF THE FOLLOWING DESCRIBED TRACT OF LAND:


THAT PORTION OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 22 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SUBDIVISION; THENCE DUE SOUTH ALONG THE EAST LINE THEREOF 657.10 FEET; THENCE N89°23'20"W 505.93 FEET TO THE WEST LINE OF STATE ROAD NO. 5; THENCE N32°40'30"E ALONG SAID WEST LINE 7.08 FEET TO THE TRUE POINT OF BEGINNING; THENCE N89°23'20"W 698.58 FEET TO A POINT ON THE EAST LINE OF NORTHERN PACIFIC RAILROAD COMPANY RIGHT-OF-WAY WHICH IS S00°51'33"W 2.01 FEET FROM THE NORTH LINE OF THE SOUTH 703.40 FEET OF SAID SUBDIVISION; THENCE S00°51'33"W ALONG SAID EAST LINE 96.03 FEET; THENCE S89°23'20"E TO THE WESTERLY LINE OF STATE ROAD NO. 5; THENCE N32°40'30"E ALONG SAID WESTERLY LINE TO THE TRUE POINT OF BEGINNING.

EXCEPT THE EAST 7.50 FEET, WHEN MEASURED AT RIGHT ANGLES, AS DEEDED TO CITY OF KENT ON DECEMBER 10, 1984, UNDER KING COUNTY AUDITOR'S FILE #8412100002.

CONTAINING 6,829 SQUARE FEET, MORE OR LESS.

Property Owner: WD Central LLC

[Stamp and signature]

1-25-2019
TAX LOT 1322049124
EASEMENT

THE SOUTH 10.00 FEET OF THE FOLLOWING DESCRIBED TRACT OF LAND:

THAT PORTION OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF
SECTION 13, TOWNSHIP 22 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY,
WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SUBDIVISION; THENCE DUE SOUTH
ALONG THE EAST LINE THEREOF 657.10 FEET; THENCE N89°23'20"W 505.93 FEET TO
THE WEST LINE OF STATE ROAD NO. 5; THENCE N32°40'30"E ALONG SAID WEST LINE
7.08 FEET TO THE TRUE POINT OF BEGINNING; THENCE N89°23'20"W 698.58 FEET TO A
POINT ON THE EAST LINE OF NORTHERN PACIFIC RAILROAD COMPANY RIGHT-OF-
WAY WHICH IS S00°51'33"W 2.01 FEET FROM THE NORTH LINE OF THE SOUTH 703.40
FEET OF SAID SUBDIVISION; THENCE S00°51'33"W ALONG SAID EAST LINE 96.03 FEET;
THENCE S89°23'20"E TO THE WESTERLY LINE OF STATE ROAD NO. 5; THENCE
N32°40'30"E ALONG SAID WESTERLY LINE TO THE TRUE POINT OF BEGINNING.

EXCEPT THE EAST 7.50 FEET, WHEN MEASURED AT RIGHT ANGLES, AS DEEDED TO
CITY OF KENT ON DECEMBER 10, 1984, UNDER KING COUNTY AUDITOR'S FILE
#9412100002.

CONTAINING 6,309 SQUARE FEET, MORE OR LESS.
Property Owner: Leo C. Brutsche, as Trustee of the Brutsche Family Revocable Trust dated June 14, 1995
Property Owner: JTMB, LLC

PORTION OF
THE NE 1/4 OF THE SE 1/4
OF SEC 13, TOWNSHIP 22 N,
RANGE 4 E, W.M.

EASEMENT

DRAWN BY: TLM
SCALE: 1"=100'
DATE: 01/16/2019