ORDINANCE NO. 4321

AN ORDINANCE of the City Council of the City of Kent, Washington, providing for the acquisition of real property and/or property rights located west of 64th Avenue South and North of South 240th Street. This action is being taken in order to construct the Green River Natural Resource Area (GRNRA) South Stormwater Pump Station. 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 GRNRA South Stormwater Pump Station Project Fund (Fund No. D20047). 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 GRNRA South Stormwater Pump Station Project (the “Project”) will increase the stormwater storage capacity of the GRNRA Regional Stormwater Facility. Stormwater runoff near property owned by the Church of Jesus Christ of Latter Day Saints (“LDS Church”), which is located west of 64th Avenue South and north of South 240th Street in the City of Kent (the “Property”), and its surrounding areas collects into large

1 Condemnation Ordinance - GRNRA South Stormwater Pump Station
stormwater pipes and drainage channels which convey flows north to the GRNRA Regional Stormwater Facility.

B. The Project will include installation of a new stormwater pump station on the undeveloped portion of the Property. The stormwater pump station will divert peak stormwater flows to the west, thereby allowing the GRNRA to have more flood storage and take on additional peak flows.

C. The Project is designed to reduce major flood risk impacts to the roadways and properties in the Kent Valley.

D. To complete the Project, the City must acquire certain property and/or property rights from the LDS Church. 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.

E. 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 flooding 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 the City be prepared to initiate condemnation proceedings so that the Project may be timely constructed.

F. 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.

G. 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 GRNRA South Stormwater Pump Station 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 ordinance is legally described in the attached and incorporated Exhibit A (the "Property"). The acquisition area proposed for the Project is broadly depicted in the attached and incorporated Exhibit B ("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.

Condemnation Ordinance -
GRNRA South Stormwater Pump Station
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 “GRNRA South Stormwater Pump Station Project” fund (Fund No. D20047) 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
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

April 16, 2019
Date Approved

KIMBERLEY A. KOMOTO, CITY CLERK

April 16, 2019
Date Adopted

April 19, 2019
Date Published

ARThUR “PAT” FITzPATRICK, CITY ATTORNEY

Condemnation Ordinance -
GRNRA South Stormwater Pump Station
EXHIBIT A

TAX LOT 5436200140
PARTIAL ACQUISITION

THAT PORTION OF LOT 8, MEEKERS SUPPLEMENTAL PLAT OF THE FIRST ADDITION TO THE TOWN OF KENT, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 5 OF PLATS, PAGE 96, RECORDS OF KING COUNTY, WASHINGTON, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 22 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON, LYING NORTHERLY OF WEST JAMES STREET AND WESTERLY OF 64TH AVE SOUTH AS CONVEYED TO THE CITY OF KENT UNDER KING COUNTY RECORDING NUMBER 9001121339.

CONTAINING 94,047 SQUARE FEET, MORE OR LESS.
IMPORTANT:
THIS IS NOT A SURVEY. IT IS
FURNISHED AS A CONVENIENCE TO
LOCATE THE LAND INDICATED
HEREON WITH REFERENCE TO
STREETS AND OTHER LAND. NO
LIABILITY IS ASSUMED BY REASON OF
RELIANCE HEREON.

LOCATED IN THE SE 1/4 OF SEC 14,
TOWNSHIP 22 N, RANGE 4 E, W.M.

64TH AVE PUMP STATION
PARTIAL ACQUISITION

DRAWN BY: TLM
SCALE: 1"=100'
DATE: 11/17/2017

PROJECT #17-3011