

**ORDINANCE NO. 1702**

**AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON** relating to the acquisition by eminent domain of certain property in the City of Des Moines; describing the public convenience, use and necessity of such property; providing for the condemnation, appropriation and taking of such land, including the mode of payment of cost of acquisition; and directing the City Attorney to prosecute such action in King County Superior Court.

**WHEREAS**, there exists in the City of Des Moines certain properties legally described in section 1 of this Ordinance, and

**WHEREAS**, the City Council of the City of Des Moines intends to acquire by the payment of "fair market value" the properties described in Section 1 to continue construction of the Transportation Gateway Project located on S. 216th Street, Des Moines, Washington ("Property"), and

**WHEREAS**, the City Council finds that acquisition of the properties described in section 1 "Legal description" below is critical to construct the street widening for the S. 216th Street Segment 3 Improvements between 11<sup>th</sup> Avenue and 20<sup>th</sup> Avenue S, an arterial segment in the City's capital improvement program collectively referred to as the Transportation Gateway Project, and it is in the public interest to acquire such properties for public health, safety, welfare and transportation needs, and

**WHEREAS**, pursuant to chapter 8.12 RCW, the City is empowered to condemn land and property for transportation purposes (RCW 8.12.030), and

**WHEREAS**, proper notice of planned final action shall be provided pursuant to RCW 8.25.290 prior to Council final action, and

**WHEREAS**, based upon the foregoing, the City Council finds that, pending the outcome of negotiations, the only alternative available for acquisition of properties in described in section 1, or portions thereof, may be by eminent domain; now therefore,

**THE CITY COUNCIL OF THE CITY OF DES MOINES ORDAINS AS FOLLOWS:**

**Sec. 1. Legal description.** The real properties that are the subject of this Ordinance are legally described in Exhibit A-1 and Exhibit A-2, attached hereto.

**Sec. 2. Public use and necessity.** The public convenience, use and necessity demand the acquisition of the real property and/or temporary construction rights described in section 1 herein for the widening of S. 216th Street as part of the Transportation Gateway Project, S. 216th Street, Segment 3 and for use by the public for transportation purposes. Said improvements have been designed to implement the City of Des Moines Comprehensive Plan, adopted 2009, as amended; the City of Des Moines Transportation Improvement Plan, 2019 to 2038, and the approved Right of Way Plan for the project dated: August 2, 2018.

**Sec. 3. Condemnation of property.** All lands, rights, privileges, and other property lying within the limits of the real property described in Section 1 herein are hereby condemned, appropriated, taken and/or damaged for the purposes described in Section 2 herein, only after just compensation has been made or paid into the court for the owner thereof in a manner provided by law.

**Sec. 4. Costs of acquisition.** The costs of the acquisition provided by this Ordinance shall be paid by the City of Des Moines, or such other funds of the City of Des Moines as may be provided by law.

**Sec. 5. Authority of the City Attorney.** The City Attorney is hereby authorized and directed to begin and prosecute the actions and proceedings in a manner provided by law to condemn, take, damage, and appropriate the real property necessary to carry out the provisions of this Ordinance. In conducting such condemnation; proceedings, the City Attorney is hereby authorized to enter into stipulations for the purpose of minimizing damages.

**Sec. 6. Severability - Construction**

(1) If a section, subsection, paragraph, sentence, clause or phrase of this Ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction and decision shall not affect the validity of the remaining portions of this Ordinance.

(2) If the provisions of this Ordinance are found to be inconsistent with other provisions of the Des Moines Municipal Code, this Ordinance is deemed to control.

**Sec. 7. Effective Date.** This Ordinance shall take effect and be in full force five (5) days after its passage, approval and publication in accordance with law.

**PASSED BY** the City Council of the City of Des Moines, Washington, this 23rd day of August, 2018 and signed in authentication thereof this 23rd day of August, 2018.

  
\_\_\_\_\_  
M A Y O R

APPROVED AS TO FORM

  
\_\_\_\_\_  
Assistant City Attorney

ATTEST

  
\_\_\_\_\_  
City Clerk

Published: August 28, 2018

**Exhibit A-2: Legal Descriptions**

**Parcel #082204-9092; Plan # 28**

**EXHIBIT \_\_\_\_\_  
PARCEL NO. 082204-9092  
UTILITY EASEMENT**

THAT PORTION OF THE HEREINAFTER DESCRIBED PARCEL "A", DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID PARCEL "A", SAID CORNER ALSO BEING THE INTERSECTION OF THE SOUTH MARGIN OF SOUTH 216<sup>TH</sup> STREET AND THE EAST MARGIN OF 14<sup>TH</sup> AVENUE SOUTH;

THENCE SOUTH 87° 51' 30" EAST ALONG SAID SOUTH MARGIN, 82.40 FEET TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID SOUTH MARGIN SOUTH 87° 51' 30" EAST 26.00 FEET;

THENCE SOUTH 02° 08' 30" WEST 8.00 FEET TO A LINE THAT IS 38.00 FEET SOUTH OF AND PARALLEL WITH THE CENTERLINE OF SAID SOUTH 216<sup>TH</sup> STREET;

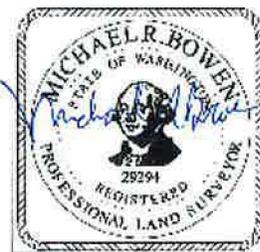
THENCE NORTH 87° 51' 30" WEST ALONG SAID PARALLEL LINE, 25.00 FEET;

THENCE NORTH 02° 08' 30" EAST, 8.00 FEET TO THE TRUE POINT OF BEGINNING.

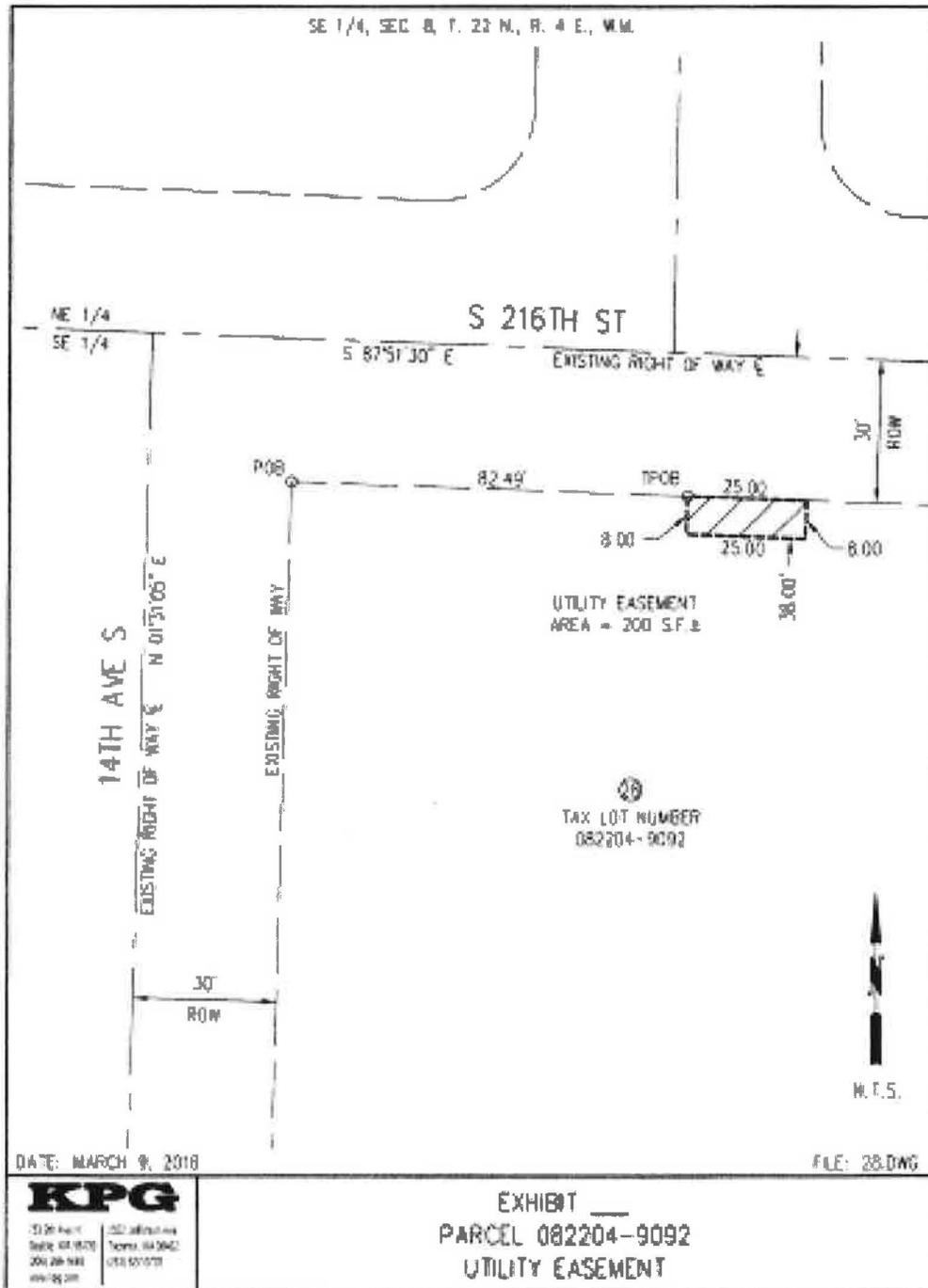
CONTAINING 200 SQUARE FEET, MORE OR LESS.

PARCEL "A":  
(FOR FIRST AMERICAN TITLE COMPANY ORDER NO. 2727665, DATED DECEMBER 12, 2017)

LO: A CITY OF DES MOINES SHORT PLAT NO. DE-MO-SP0-00, RECORDED OCTOBER 15, 1999 UNDER RECORDING NO. 8010150846, IN KING COUNTY, WASHINGTON, SAID SHORT PLAT BEING A SUBDIVISION OF A PORTION OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 22 NORTH, RANGE 4 EAST W.M., IN KING COUNTY, WASHINGTON, AND OF THE NORTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 22 NORTH, RANGE 4 EAST W.M., IN KING COUNTY, WASHINGTON



3/16/2018



**EXHIBIT**  
**PARCEL NO. 082204-9092**  
**SIDEWALK EASEMENT**

THAT PORTION OF THE HEREINAFTER DESCRIBED PARCEL "A", DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID PARCEL "A", SAID CORNER ALSO BEING THE INTERSECTION OF THE SOUTH MARGIN OF SOUTH 216<sup>TH</sup> STREET AND THE EAST MARGIN OF 14<sup>TH</sup> AVENUE SOUTH;

THENCE SOUTH 87° 51' 30" EAST ALONG SAID SOUTH MARGIN, 107.49 FEET TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID SOUTH MARGIN SOUTH 87° 51' 30" EAST, 10.00 FEET;

THENCE SOUTH 02° 08' 30" WEST, 1.50 FEET TO A LINE THAT IS 31.50 FEET SOUTH OF AND PARALLEL WITH THE CENTERLINE OF SAID SOUTH 216<sup>TH</sup> STREET;

THENCE NORTH 87° 51' 30" WEST ALONG SAID PARALLEL LINE, 10.00 FEET;

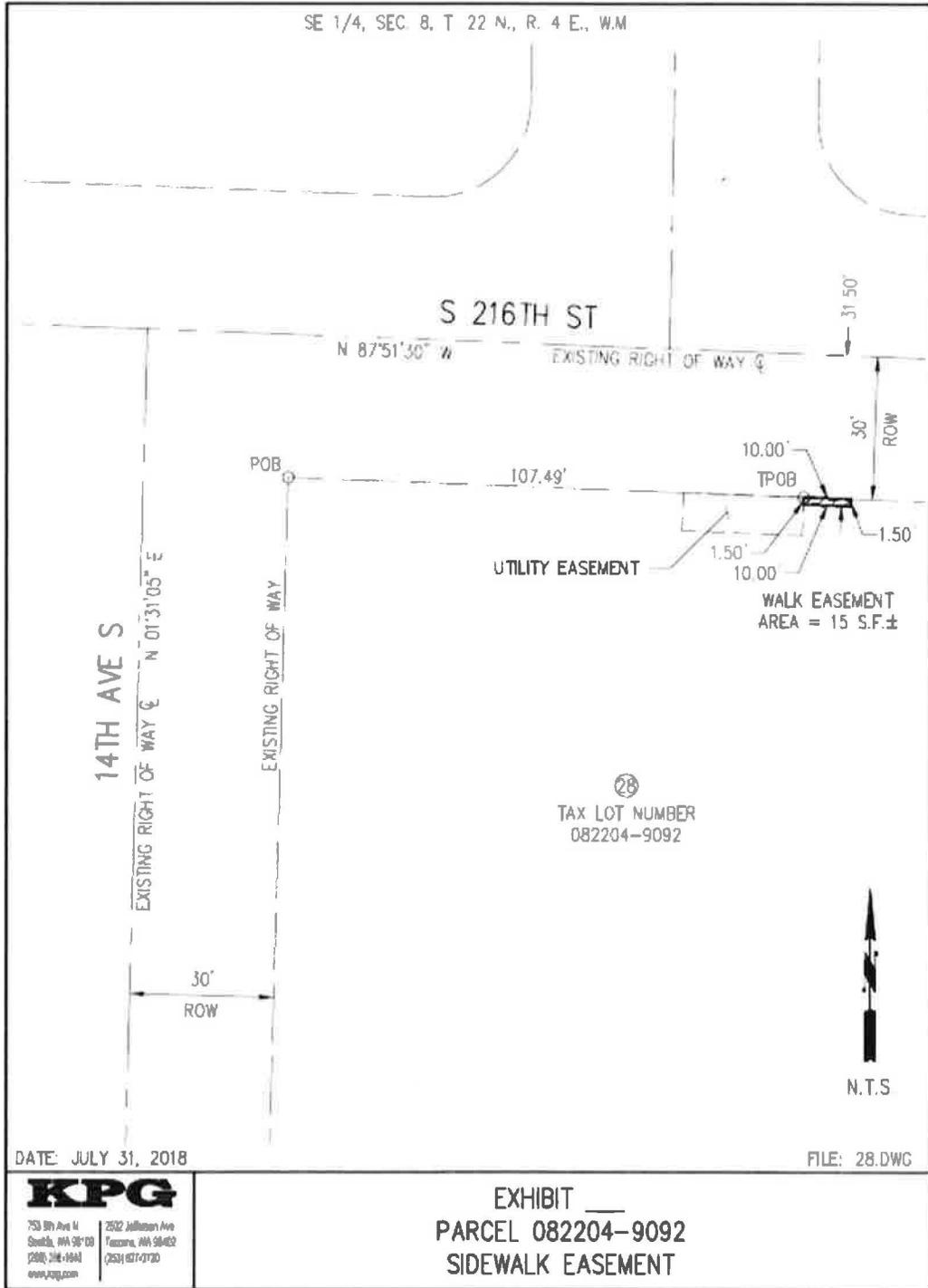
THENCE NORTH 02° 08' 30" EAST, 1.50 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 15 SQUARE FEET, MORE OR LESS.

PARCEL "A":  
(PER FIRST AMERICAN TITLE COMPANY ORDER NO. 2727865, DATED DECEMBER 12, 2017)

LOT A, CITY OF DES MOINES SHORT PLAT NO. DE-MO-SP8-80, RECORDED OCTOBER 15, 1980 UNDER RECORDING NO. 8010150846, IN KING COUNTY, WASHINGTON, SAID SHORT PLAT BEING A SUBDIVISION OF A PORTION OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 22 NORTH, RANGE 4 EAST W.M., IN KING COUNTY, WASHINGTON, AND OF THE NORTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 22 NORTH, RANGE 4 EAST W.M., IN KING COUNTY, WASHINGTON.





**EXHIBIT \_\_\_\_\_**  
**PARCEL NO. 082204-9092**  
**TEMPORARY CONSTRUCTION EASEMENT**

THAT PORTION OF THE HEREINAFTER DESCRIBED PARCEL "A", DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID PARCEL "A", SAID CORNER ALSO BEING THE INTERSECTION OF THE SOUTH MARGIN OF SOUTH 216<sup>TH</sup> STREET AND THE EAST MARGIN OF 14<sup>TH</sup> AVENUE SOUTH;

THENCE SOUTH 87° 51' 30" EAST ALONG SAID SOUTH MARGIN, 82.49 FEET TO A POINT HEREINAFTER DESCRIBED AS "POINT "A"";

THENCE SOUTH 02° 08' 30" WEST, 5.00 FEET TO A LINE THAT IS 35.00 FEET SOUTH OF AND PARALLEL WITH THE CENTERLINE OF SAID SOUTH 216<sup>TH</sup> STREET;

THENCE NORTH 87° 51' 30" WEST ALONG SAID PARALLEL LINE, 82.43 FEET TO THE WEST LINE OF SAID PARCEL "A";

THENCE NORTH 01° 31' 05" EAST, 5.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 412 SQUARE FEET, MORE OR LESS.

TOGETHER WITH:

BEGINNING AT SAID POINT "A", THENCE CONTINUING ALONG SAID SOUTH MARGIN SOUTH 87° 51' 30" EAST, 35.00 FEET TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID SOUTH MARGIN SOUTH 87° 51' 30" EAST, 395.14 FEET;

THENCE CONTINUING ALONG SAID SOUTH MARGIN SOUTH 88° 15' 56" EAST, 20.00 FEET TO THE EAST LINE OF SAID PARCEL "A";

THENCE SOUTH 01° 31' 05" WEST ALONG SAID EAST LINE OF PARCEL "A", 10.00 FEET TO A LINE THAT IS 40.00 FEET SOUTH OF AND PARALLEL WITH SAID CENTERLINE OF SAID SOUTH 216<sup>TH</sup> STREET;

THENCE NORTH 88° 15' 56" WEST ALONG SAID PARALLEL LINE, 12.00 FEET;

THENCE NORTH 01° 44' 04" EAST, 5.00 FEET TO SAID LINE THAT IS 35.00 FEET SOUTH OF AND PARALLEL WITH SAID CENTERLINE OF SAID SOUTH 216<sup>TH</sup> STREET;

THENCE NORTH 88° 15' 56" WEST ALONG SAID PARALLEL LINE, 8.06 FEET;

THENCE CONTINUING ALONG SAID PARALLEL LINE NORTH 87° 51' 30" WEST, 405.16 FEET;

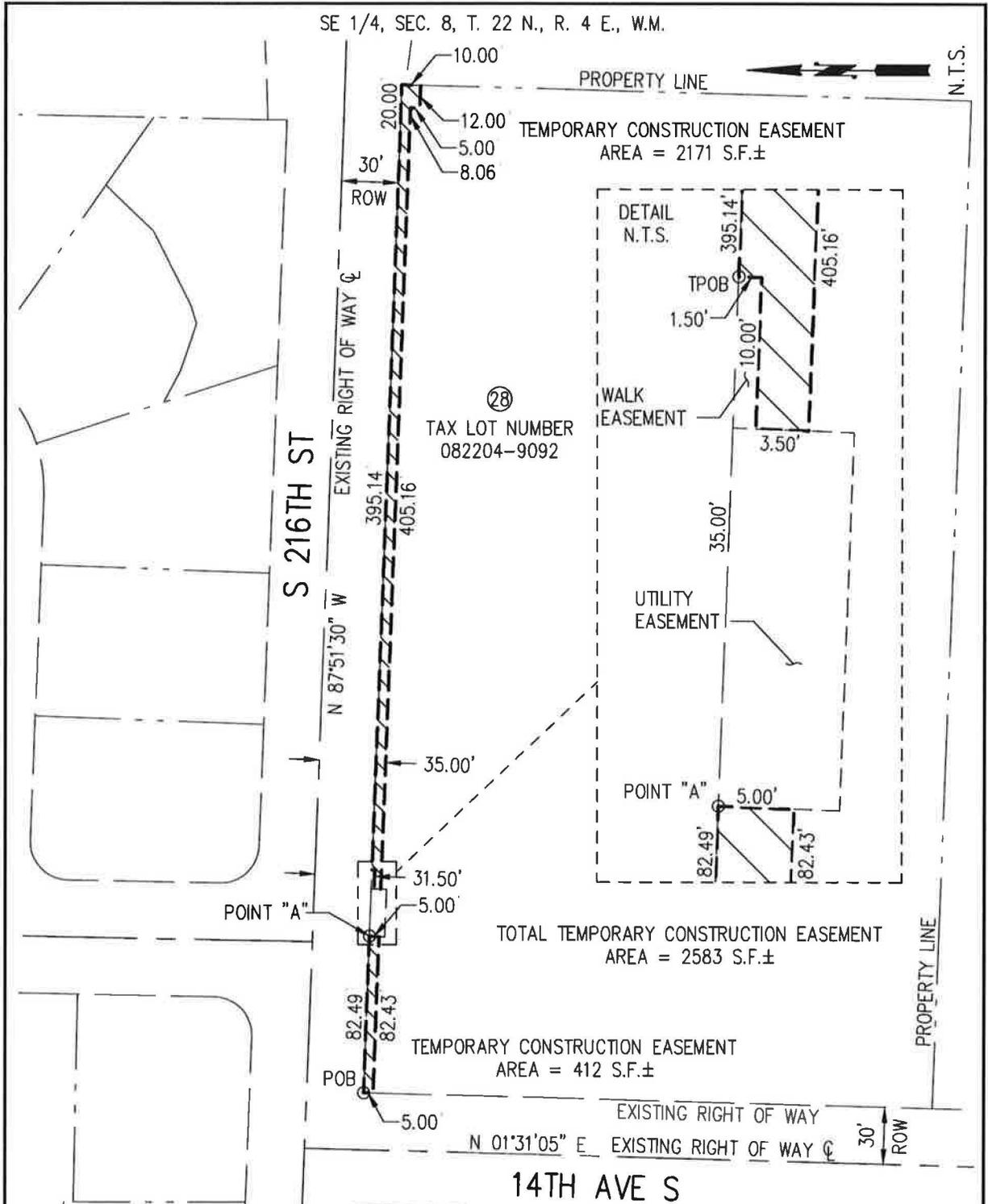
THENCE NORTH 02° 08' 30" EAST, 3.50 FEET TO A LINE THAT IS 31.50 FEET SOUTH OF AND PARALLEL WITH SAID CENTERLINE OF SAID SOUTH 216<sup>TH</sup> STREET;

THENCE SOUTH 87° 51' 30" EAST ALONG SAID PARALLEL LINE, 10.00 FEET;

THENCE NORTH 02° 08' 30" EAST, 1.50 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 2,171 SQUARE FEET, MORE OR LESS.

28-TCE.DOCX



DATE: JULY 31, 2018

FILE: 28.DWG

**KPG**  
 753 9th Ave N  
 Seattle, WA 98109  
 (206) 266-1640  
 www.kpg.com

2502 Jefferson Ave  
 Tacoma, WA 98402  
 (253) 627-0720

EXHIBIT \_\_\_\_  
 PARCEL 082204-9092  
 TEMPORARY CONSTRUCTION EASEMENT

LEGAL NOTICE  
SUMMARY OF ADOPTED ORDINANCE  
CITY OF DES MOINES

ORDINANCE NO. 1702, Adopted August 23, 2018.

DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This Ordinance relates to the acquisition by eminent domain of certain property in the City of Des Moines; describes the public convenience, use and necessity of such property; provides for the condemnation, appropriation and taking of such land, including the mode of payment of cost of acquisition; and directs the City Attorney to prosecute such action in King County Superior Court.

The full text of the Ordinance will be mailed without cost upon request.

Bonnie Wilkins, CMC  
City Clerk

Published: August 28, 2018