

ORDINANCE NO. 2164

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AN ORDINANCE authorizing condemnation of easements for  
Madsen Creek Channel Improvement

WHEREAS, the King County Council on November 30, 1973, by Ordinance No. 1859, did adopt the 1974 Annual Budget and Program, which did provide therein for the Capital Budget and Program, which included a Hydraulics and Flood Control Sub-Program, and

WHEREAS, the Hydraulics and Flood Control Sub-program provides for the Madsen Creek Channel Improvement, to alleviate flooding conditions on the properties abutting Madsen Creek, and

WHEREAS, the Capital Budget and Program provides for the acquisition of permanent drainage easements, for the construction of the Madsen Creek Channel Improvement, and

WHEREAS, the King County Council has been advised that a court approved settlement of the King County Superior Court action - Kolcsey vs. King County provides for the acquisition of drainage easements and the construction of the Madsen Creek Channel Improvement, and

WHEREAS, negotiations to acquire the necessary rights from the property owners have come to an impasse, and

WHEREAS, in order to acquire the necessary property rights sufficient to construct and maintain the Madsen Creek Channel, it is necessary for King County to condemn certain property rights and rights in the property for the Madsen Creek Drainage, as hereinafter more particularly set forth, and

WHEREAS, the King County Council finds that the public health, safety, necessity and the general welfare demand that property rights and rights in property be condemned, appropriated, taken and damaged for construction and maintainance of the said Madsen Creek Drainage Channel as provided in this ordinance, and in accordance with the court approved settlement - Kolcsey vs. King County.

THEREFORE, BE IT ORDAINED BY THE COUNCIL OF KING COUNTY;

SECTION 1. The King County Council has deemed it necessary and in the best interest of the citizens of King County that permanent drainage easements,

1 and right-of-way over and upon the lands hereinafter described be condemned,  
2 appropriated, taken and damaged for the purpose of entering upon the subject  
3 lands to construct, reconstruct, maintain, alter or repair an open drainage  
4 channel and/or other flood control works at Madsen Creek, including all  
5 appurtenances thereto, together with the right to trim, cut, fell and remove  
6 all such trees, brush and other natural growth and obstructions as are necessary  
7 to provide adequate clearance and to eliminate interference with, or hazards  
8 to the Channel and any structures within said easement; together with the right  
9 to enter and work on the banks of said Channel and on any structures and  
10 appurtenances within said easement, subject to the making or paying of just  
11 compensation to the owner thereof in the manner provided by law.

12 FILE #1 - Tax Lot 32

13 EASEMENT:

14 The East 60 feet of the following described property in Section 23,  
15 Township 23 North, Range 5 East, W.M.:

16 Beginning at a point on the Easterly line of County Road which is  
17 North 80° 33' East 140.35 feet from the West quarter corner of  
18 said section; Thence North 14°22'00" East along said line 33.8  
19 feet, more or less, to the most Northerly corner of a tract of  
20 land conveyed to Ole Nielsen by deed recorded under Auditor's  
21 File No. 3652253 and the true point of beginning; Thence South  
22 77°02'00" East 316 feet, more or less, to the West line of a  
23 tract of land conveyed to Charles Baker under Auditor's File No.  
24 995183; Thence Northerly along said West line to the Southerly  
25 bank of the Cedar River; Thence Northwesterly along said bank to  
26 the Southeasterly line of the Elliott Bridge relocation road as  
27 described in King County Superior Court Cause No. SC 414414; Thence  
28 Southerly along said road margin to the true point of beginning,  
29 except that portion lying Southerly of a line described as follows:

30 Beginning at the Southeast corner of the above described tract;  
31 Thence Northly along the East line of the above described tract  
32 160 feet, more or less, to a concrete monument '4 1/2 X 5 1/2" X  
33 45"' and the point of beginning of said line; Thence North 66°  
31'30" West 259.7 feet to a concrete monument '4 1/2" X 45";  
32 Thence continuing North 66°31'30" West 5.0 feet more or less, to  
33 the East line of said County Road and the terminus of said line.

34 FILE # 2 - Tax Lot 70

35 EASEMENT:

36 The East 60 feet of the following described property located in  
37 Section 23, Township 23 North, Range 5 East, W.M.

38 Beginning at a point on the North line of the Columbia and Puget  
39 Sound Railway right-of-way which point bears South 15°47' East  
40 207.24 feet from the West quarter corner of said Section 23;

1 Thence South 77°02' East along said right-of way 411.12 feet;  
2 Thence North 66 feet; Thence Westerly and parallel with said  
3 right-of-way 411.02 feet, more or less, to the intersection with  
4 the Easterly line of County Road; Thence Southerly along said  
5 Easterly line 66 feet, more or less, to the point of beginning,  
6 and  
7 Beginning at the West quarter corner of said Section 23; Thence  
8 South 16°00' 30" East 216.63 feet, more or less to a point on  
9 the centerline of Jones Road, at the intersection with the North-  
10 erly margin of the right-of-way of the Columbia and Puget Sound  
11 Railway; Thence South 77°02' East 15.01 feet; Thence North 14°43'  
12 East along the Easterly margin of Jones Road, 66.04 feet, to the  
13 point of beginning; Thence South 77°02' East 370.77 feet; Thence  
14 North 102.62 feet; Thence North 77°02' West 344.69 feet; Thence  
15 South 14°43' West 100.06 feet to the point of beginning.

16 FILE # 23-3 - Tax Lot 132

17 EASEMENT: The East 60 feet of the following described property  
18 in Section 23, Township 23 North, Range 5 East, W.M.:

19 Beginning at a point on the Easterly line of County Road which  
20 is North 80°33' East 140.35 feet from the West quarter corner of  
21 said section; Thence North 14°22' East along said East line  
22 33.8 feet, more or less, to the most Northerly corner of a tract  
23 conveyed to Ole Nielsen by deed recorded under Auditor's File No.  
24 3652253, and the true point of beginning; Thence along the North-  
25 easterly line of said Nielsen tract, South 77°02' East 316 feet,  
26 more or less to the West line of a tract conveyed to Charles  
27 Baker by deed recorded under Auditor's File No. 995183; Thence  
28 Northerly along said West line 160 feet more or less, to a concrete  
29 monument '4½"x5¼"x41"'; Thence North 66° 31'30" West, 259.7 feet  
30 to a concrete monument '4½"x5½"x45"'; Thence continuing North  
31 66°31' 30" West, 5.0 feet, more or less, to East line of County  
32 Road "Jonas Road"; Thence Southwesterly along said East line to  
33 true point of beginning.

34 FILE # 23-4 - Tax Lot 10

35 EASEMENT: The East 60 feet of the following described property  
36 in Section 23, Township 23 North, Range 5 East, W.M.:

37 Beginning at the West quarter corner of said section 23; Thence  
38 South 16°00' 30" East 216.63 feet to a point on the centerline of  
39 Jones Road at the intersection with the Northerly margin of right-  
40 of-way of the Columbia and Puget Sound Railway; Thence South 77°  
41 02' East 15.01 Feet; Thence Northerly along the Easterly margin of  
42 Jones Road 166.10 feet to the Northwest corner of tract of land  
43 conveyed to Pete A. Bergsma by deed recorded October 24, 1946,  
44 under Auditor's File No. 3622405 and the true point of beginning  
45 of the tract herein described; Thence Northerly along the East  
46 margin of said road to the Northerly line of a strip of land  
47 conveyed to Arthur J. Coskey under Auditor's File No. 3652253;  
48 Thence South 77°2' East along said line 312 feet more or less, to  
49 the West line of a tract conveyed to Charles Baker by deed  
50 recorded under Auditor's File No. 995183; Thence South along said  
51 line to a point which bears South 77°2' East from the true point  
52 of beginning; Thence North 77°2' West 344.69 feet more or less,  
53 to the true point of beginning.

1 EXHIBIT "A" Tax Lot 21

2 CONSTRUCTION EASEMENT: That portion of the West  $\frac{1}{2}$  of the S.W.  
3  $\frac{1}{4}$  of Section 23, Township 23 North, Range 5 East, W.M., King  
County, Washington described as follows:

4 Beginning at the intersection of the Southerly margin of the C.M.  
5 and St. P. R.R. right-of-way with the West line of said sub-  
6 division; Thence South 77°01'02" East along said Southerly margin  
7 a distance of 399.95 feet; Thence South 11°34'05" West a distance  
8 of 50.02 feet to the Southerly margin of 50.00 foot right-of-way  
9 known as P.S.H. No. 5 and the true point of beginning of the  
10 herein described easement; Thence continuing South 11°34'05"  
11 West a distance of 1010.21 feet; Thence North 77°09'00" West a  
12 distance of 119.00 feet; Thence South 12°15'00" West a distance  
13 of 240.00 feet; Thence South 77°09'00" East a distance of 82.92  
14 feet; Thence North 43°24'53" East a distance of 168.54 feet;  
15 Thence North 11°34'05" East a distance of 1104.98 feet to said  
16 Southerly margin of P.S.H. No. 5; Thence North 77°01'02" West  
17 long said margin a distance of 50.02 feet to the true point of  
18 beginning.

12 SECTION 2.

13 The King County Council determines that condemnation pro-  
14 ceedings are hereby authorized to acquire property and property  
15 rights and/or rights in property as set forth in Section 1, for  
16 the subject Madsen Creek Channel Improvement.

17 SECTION 3.

18 The attorneys for King County are hereby authorized and  
19 directed to begin and prosecute the proceedings provided by law  
20 to condemn, take and appropriate the land and other property and  
21 property rights necessary to carry out the provisions of this  
22 ordinance.

23 INTRODUCED AND READ for the first time this 26<sup>th</sup> day of

24 August, 1974.

25 PASSED this 9<sup>th</sup> day of September, 1974.

26 KING COUNTY COUNCIL  
27 KING COUNTY, WASHINGTON

28   
Chairman

THOMAS M. FORSYTHE

28 ATTEST:

29   
30 Clerk of the Council

31 APPROVED this 10<sup>th</sup> day of September, 1974.

32   
33 King County Executive