


CITY OF MARYSVILLE AGENDA BILL

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: December 9, 2013

AGENDA ITEM: Bayview Trail Phase II Project – Condemnation Ordinance	
PREPARED BY: Jeff Laycock, Project Manager	DIRECTOR APPROVAL: 
DEPARTMENT: Public Works, Engineering	
ATTACHMENTS: Ordinance and Exhibit "A" Legal Description	
BUDGET CODE: 31000076.563000	AMOUNT: N/A

SUMMARY:

The City of Marysville will soon begin acquisition of a permanent trail easement for the construction of the second phase of the Bayview Trail from 75th St NE to 84th St NE. The City will require an easement from the property located at 8019 75th St NE.

Fair market value compensation will be offered to the property owner in accordance with a recently completed appraisal. If the City and the property owner cannot reach a mutually agreeable settlement, the enclosed ordinance will allow the City to exercise eminent domain for the acquisition through condemnation proceedings.

RECOMMENDED ACTION:

Staff recommends that Council authorize the Mayor to approve the Ordinance authorizing the condemnation, appropriation, taking and damage of land and other property for the construction of the Bayview Trail Phase II project.

CITY OF MARYSVILLE
Marysville, Washington

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON, AUTHORIZING THE
CONDEMNATION, APPROPRIATION, TAKING AND DAMAGING OF LAND AND
OTHER PROPERTY FOR PURPOSES OF EXTENDING THE BAYVIEW TRAIL

WHEREAS, the City Council of the City of Marysville (hereinafter the "City") finds as follows:

1. Public safety, convenience, use and necessity demand the establishment and improvement of parks and trails for public recreation purposes.
2. The City has determined that it will be necessary to acquire property for extending Bayview Trail north of 75th Street N.E. as more specifically described in **EXHIBIT A** attached hereto and incorporated herein by this reference.
3. The entire cost of the acquisition provided by this ordinance shall be paid by the following funds of the City:

Fund No. 310 – Park Construction

or such other funds as may be provided by law.

4. The City may be unable to agree with the property owner upon the compensation to be paid for said property and/or may be unable to clear title to the property to be acquired.
5. The City has authority pursuant to RCW Chapter 8.12 to acquire, if necessary, title to real property for public purposes. Establishment and improvement of a public park recreation trail is a public purpose.
6. Notice of the planned final action authorizing the condemnation of the property described in **Exhibit A** has been given to the owners of said property and published in the Everett Herald and Marysville Globe in accordance with the provisions of RCW 8.25.290.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MARYSVILLE,
WASHINGTON, DO ORDAIN AS FOLLOWS:

1. The City is hereby authorized to condemn, appropriate, take and damage the real property described in **EXHIBIT A** hereto, together with all rights appurtenant thereto. The City is further authorized to amend the legal description contained in **EXHIBIT A** as may be necessary and appropriate to meet requirements of the project.

2. The use of the property described in **EXHIBIT A** is for establishment and improvement of a public park recreation trail, which is a permanent public use and is reasonably necessary for the purposes for which it is sought.

3. All lands, rights, privileges and other property lying within the limits of the land described in **EXHIBIT A**, together with all rights appurtenant thereto, including access where applicable, are hereby authorized to be condemned, appropriated, taken and damaged for the purpose of establishing and improving a public park recreation trail, to extend the Bayview Trail north of 75th Street N.E. All lands, rights, privileges and other properties are to be taken, damaged and appropriated only after just compensation has been made, or paid into the court for the owners thereof in the manner provided by law.

4. The cost of the acquisition provided for by this ordinance shall be paid by the following funds of the City:

Fund No. 310 – Park Construction

or such other funds as may be provided by law.

5. The City's attorneys should be and hereby are authorized and directed to begin and prosecute the actions and proceedings in a manner provided by law to carry out the provisions of this ordinance, and to enter into settlements to mitigate damages.

PASSED by the City Council and APPROVED by the Mayor this 9th day of December, 2013.

CITY OF MARYSVILLE

By _____
JON NEHRING, Mayor

ATTEST:

By _____
SANDY LANGDON, Finance Director/City Clerk

Approved as to form:

By _____
GRANT K. WEED, City Attorney

Date of Publication: _____

Effective Date (5 days after publication): _____

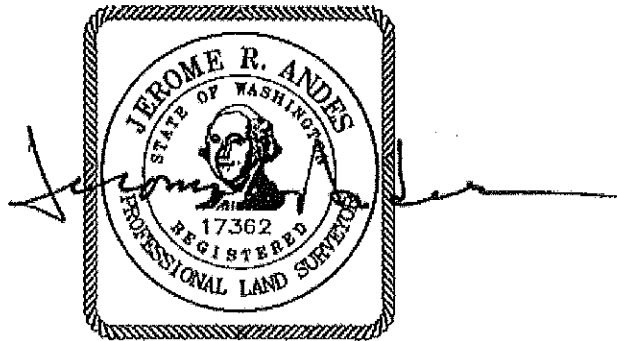
EXHIBIT A

LEGAL DESCRIPTION

Tax I.D. 00756800000800

The West 20.00 feet, as measured perpendicular to and parallel with the west line of Lot 8, **BAYVIEW RIDGE DIVISION NO. 1**, recorded under Auditor's File Number 8706265004, records of Snohomish County, Washington.

The side lines of said easement shall be lengthened or shortened to intersect the north and south lines of said lot.



August 6, 2013