

CITY OF MARYSVILLE AGENDA BILL
EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: November 9, 2015

AGENDA ITEM: 6032 47 th Avenue NE Property – Condemnation Ordinance	
PREPARED BY: Tonya Miranda, Interim Executive Assistant	DIRECTOR APPROVAL:
DEPARTMENT: Executive	
ATTACHMENTS: Ordinance and Exhibit “A” Legal Description	
BUDGET CODE:	AMOUNT: N/A

SUMMARY:

City staff will soon be initiating the acquisition of 6032 47th Avenue NE for the purpose of widening and providing additional vehicular capacity on 47th Avenue in connection with the 1st Street bypass project. Engineering studies have been conducted and determined that the location of the property is required to accommodate the preferred route to connect the 1st Street bypass with SR 528.

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

RECOMMENDED ACTION:
Staff recommends that Council authorize the Mayor to approve the Ordinance authorizing the condemnation, appropriation and acquisition of 6032 47 th Avenue NE for the purpose of a 1 st Street bypass.

CITY OF MARYSVILLE
Marysville, Washington

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON AUTHORIZING THE CONDEMNATION, APPROPRIATION, TAKING, DAMAGING AND ACQUISITION OF LAND AND OTHER PROPERTY FOR THE PURPOSE OF WIDENING 47TH AVENUE

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

1. Public safety, convenience, use and necessity demand the acquirement of property for the widening of 47th Avenue.

2. The City has conducted engineering studies in connection with the 1st Street bypass and has determined that it will be necessary to acquire the property, as described in **EXHIBIT "A,"** attached hereto and incorporated herein by this reference, as it is the preferred route to facilitate the City's need to connect the 1st Street bypass with SR 528.

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

GENERAL FUND

or such other general funds of the City 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 the **EXHIBIT "A"** property.

5. The City has authority pursuant to RCW Chapter 8.12 to acquire, if necessary, title to real property for public purposes. Improvement of the City's road system is a public purpose.

6. The proposed improvement is to provide additional vehicular capacity on 47th Avenue which is necessitated by the 1st Street bypass.

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, including access where applicable.

2. The use of the property described in **EXHIBIT "A"** will be for the widening of 47th Avenue, 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,"** as the legal may be amended, together with all rights appurtenant thereto, including access where applicable, are hereby authorized to be condemned, appropriated, taken and damaged for the purpose of improving and widening a part of the city's road system.

4. 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.

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

GENERAL FUND

or such other general funds of the City as may be provided by law.

6. 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 _____ day of October, 2015.

CITY OF MARYSVILLE

By _____
JON NEHRING, Mayor

ATTEST:

By _____
Deputy City Clerk

Approved as to form:

By _____
JON WALKER, City Attorney

Date of Publication: _____

Effective Date (5 days after publication): _____

Legal Description Map

Parcel ID:
Legal Description:

00551201001602
MAP OF QUINNS 2ND ADD TO MARYSVILLE BLK 010 D-02 - LOT 16 EXC W 35FT & TH PTN
LAND INCL VAC LIBERTY ST LY BTW E LN LOT 16 BLK 10 QUINNS 2ND ADD TO MARYS & W LN
CO RD LESS PTN TO CITY MYRSVL LY E OFFDL BEG AT SE COR SW1/4 SE1/4 TH N01*01 15E
ALG E LN SD SUB 340FT TO TPB TH S04*40 59W 135.22FT M/L TO N LN THIRD ST PER SWD
REC VOL 1797 PG 466 AF NO 8307080186 & LESS ADDL R/W TO CITY OF MAR PER SWDREC
AFN 200706080962

