

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 MAKING PEDESTRIAN AND BICYCLE IMPROVEMENTS TO ESTABLISH SAFE ROUTES TO SCHOOL FOR 116TH ST NE

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 several parcels of property, to wit: 11620 46th Avenue NE, Unit B; 4329, 4410, 4418, and 4603 116th St NE, Marysville, Washington.

2. The City has conducted engineering studies and has determined that it will be necessary to acquire the properties, as described in **EXHIBIT "A,"** attached hereto and incorporated herein by this reference, as it is necessary to make pedestrian and bicycle improvements to establish safe routes to school.

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

TRANSPORTATION BENEFIT DISTRICT FUND 114

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 owners 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. Establishing safe routes to school and improving pedestrian and bicycle access and safety is a public purpose.

6. The proposed improvement is to provide pedestrian and bicycle improvements to establish safe routes to school.

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 properties described in **EXHIBIT A** hereto, together with all rights appurtenant thereto, including access where applicable.

2. The use of the properties described in **EXHIBIT "A"** will be for making pedestrian and bicycle improvements to establish safe routes to school, 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 lands 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 making pedestrian and bicycle improvements to establish safe routes to school.

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:

TRANSPORTATION BENEFIT DISTRICT FUND 114

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 December, 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): _____

EXHIBIT "A"

11620 46th Ave NE Unit B: Section 09 Township 30 Range 05 Quarter NE - S 300FT OF E 528FT OF SW1/4 NE1/4 LY WLY OF 46TH AVE NE AS SHOWN IN PLAT OF PINE MEADOWS VOL 42 OF PLATS PG 230 REC SNO CO WA EXC N 130FT AKA PAR A OFBLA 286-90 REC AFN 9102220100

4329 116th Street NE: SEC 09 TWP 30 RGE 05RT-10F) TH PTN SW1/4 NE1/4 DAF BEG INT S LN SW1/4 NE1/4 WITH E LN MARYS-ARL RR R/W TH N ALG SD R/W 15 FT TAP ON N LN CORD & TPB TH E ALG RD 156 FT TH N 175 FT TH W TO E LN SD R/W TH SLY ALG SDR/W TO POB

4410 116th Street NE: SEC 09 TWP 30 RGE 05ALL TH PTN N1/2 NW1/4 NW1/4 SE1/4 DAF-BEG NE COR SD SUB TH N88*34 50W 184.62FT TO TPB TH CONT N88*34 50W 82.79FT TH S01*22 14W 301.67FT TH S88*32 03E 89.46FT TH N00*06 16E119.83FT TH N88*34 50W 33.50FT TH N00*06 16E 47FT TH S88*34 50E 33.50FT TH N00*06 16E 135FT TO TPB EXC N 20FT THOF FOR RD

4418 116th Street NE: SEC 09 TWP 30 RGE 05TH PTN OF N1/2 NW1/4 NW1/4 SE1/4 DAF-BEG NE COR SD SUB TH N88*34 50W 102FT TPB TH S00*06 16W 326.89FT TO S LN SD SUB TH N88*32 03W 172.63FT TH N01*22 14E 25FT TH S88*32 03E 89.46FTTH N00*06 16E 119.83FT TH N88*34 50W 33.50FT TH N00*06 16E 47FT TH S88*34 50E 33.50FT TH N00*06 16E 135FT TH S88*34 50E 82.62FT TO TPB EXC N 20FTTHOF FOR RD

4603 116th Street NE: SEC 09 TWP 30 RGE 05RT-10B-1) BEG SE COR SW1/4 NE1/4 TH WLY ALG SD SLY SUBDIV LN N89*24 08W 203.98FTTO COR ESTAB FENCE LN THE TPB TH N01*41 43W ALG SD ESTAB FENCE LN 180.14FT TH N 89*24 08W 101.60FT TO ESTAB FENCE LN THS01*27 46E ALG SD ESTAB FENCE LN 180.13 FT TO SLY MGN SUBDIV TH S89*24 08E ALG SD SLY LN 102.32FT TO TPB