

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 AND PAYMENT THEREFORE FROM TRANSPORTATION BENEFIT DISTRICT FUND 114.

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

1. The City wishes to construct improvements to roadways that get more children walking and bicycling to school safely, reduce congestion around schools, and improve air quality.; and
2. Washington's Safe Routes to School program is administered and managed by the Washington State Department of Transportation; and
3. The City has conducted engineering studies and determined that it will be necessary to acquire a portion of the properties depicted in EXHIBIT "A" as described in EXHIBIT "B" attached hereto and incorporated by this reference, as it is necessary to make pedestrian and bicycle improvements to establish safe routes to school; and
4. The project is necessary to meet the city's goals of safe pedestrian and bicycle access for children to attend school; and
5. Efforts are now on-going to acquire the properties necessary for this public use by negotiation; and
6. In the event that negotiated acquisition is not fully successful in advance of the anticipated commencement and construction, it is essential that the City be prepared to initiate condemnation proceedings so that the project can be timely constructed; and
7. Public safety, convenience, use and necessity demand the acquisition of several parcels of property, to wit: 4329, 4603, 4302, 4304, 4306, 4318 and 4332 116th Street NE, Marysville, Washington and 11620 – 46th Avenue N.E., Unit B; and
8. The City anticipates the needs of the project in regard to the parcels located at 4302, 4304, 4306, 4318, and 4332 will be for temporary construction easements only; and
9. 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.

10. The City may be unable to agree with the property owners upon the compensation to be paid for the properties described in EXHIBIT “B,” or it may not be feasible to clear title without condemnation proceedings.

11. The City has authority pursuant to RCW Chapter 8.12 to acquire, if necessary, title to real property for public purposes. The proposed improvement of the City’s sidewalk and road system to provide safe walking and bicycling routes to schools is a public purpose and is necessary to complete the subject project.

12. Notice of the planned final action authorizing the condemnation of the property described in Exhibits A and B has been given to the owner(s) 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:

Section 1. 116th Safe Routes to School Project is a Public Use. The 116th Safe Routes to School Project is a public use. The improvement will be owned by the City of Marysville and open for pedestrian and bicycle travel by school children and members of the public.

Section 2. Determination of Necessity. Acquisition of the portion of the properties depicted in Exhibit A as legally described in Exhibit B, both of which are attached and incorporated by this reference (the “Properties”), is necessary to construct the 116th Safe Routes to School Project. If the Properties are not acquired and the Safe Routes not constructed, pedestrian safety for school children walking to school in this area will be severely compromised.

Section 3. Condemnation. Under the authority of RCW 8.12.040, the Properties shall be condemned and acquired by the City of Marysville, after just compensation having been first made or paid into court for the owner(s) in the manner prescribed by law. The City is further authorized to amend the legal descriptions contained in EXHIBIT B as may be necessary and appropriate to meet requirements of the project.

Section 4. Authorization. The City Attorney and/or his designees are hereby authorized to commence and prosecute condemnation proceedings for the Properties in the manner provided by law, to determine and make or pay just compensation, and to take such other steps as they deem necessary to complete the acquisition of the Properties including to enter into settlements to mitigate damages.

Section 5. Compensation. Compensation shall be paid to the owners of the property identified in Exhibits A and B, and the cost of acquisition and the costs of litigation shall be paid from the City's Transportation Benefit District Fund 114 or such other general funds of the City as may be provided by law.

Section 6. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

Section 7. Effective Date. This ordinance shall become effective five days after the date of its publication by summary.

PASSED by the City Council and APPROVED by the Mayor this _____ day of September, 2016.

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"



EXHIBIT "B"

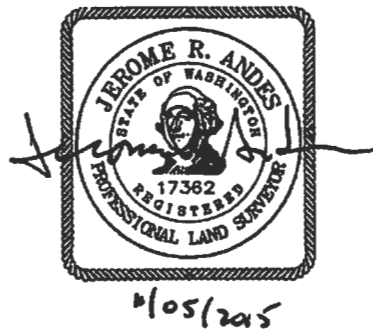
RIGHT-OF-WAY DEED

LEGAL DESCRIPTION PARCEL NO. 30050900102500

The South 30.00 feet of the East 528.00 feet of the Southwest Quarter of the Northeast Quarter of Section 9, Township 30 North, Range 5 East, W.M., lying westerly of 46th Avenue N.E. as shown in the plat of Pine Meadows, according to the plat recorded in Volume 42 of Plats, page 230, records of Snohomish County, Washington;

TOGETHER with that portion of the above described property lying southeasterly of a 10.00 foot radius curve concave to the northwest, being tangent to the westerly right-of-way line of said 46th Avenue N.E. and the north line of the South 30.00 feet of said subdivision.

(Being a portion of Parcel A of Boundary Line Adjustment Number BLA 286-90, recorded under Auditor's File Number 9102220100).

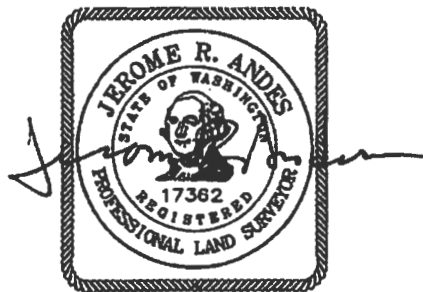


TEMPORARY CONSTRUCTION EASEMENT

LEGAL DESCRIPTION
PARCEL NO. 30050900102500

That portion of the North 5.00 feet of the South 35.00 feet of the East 528.00 feet of the Southwest Quarter of the Northeast Quarter of Section 9, Township 30 North, Range 5 East, W.M., lying westerly of the westerly right-of-way line of 46th Avenue N.E. as shown in the plat of Pine Meadows, according to the plat recorded in Volume 42 of Plats, page 230, records of Snohomish County, Washington; AND lying northwesterly of a 10.00 foot radius curve concave to the northwest, being tangent to the westerly right-of-way line of said 46th Avenue N.E. and the north line of the South 30.00 feet of said subdivision;

(Being a portion of Parcel A of Boundary Line Adjustment Number BLA 286-90, recorded under Auditor's File Number 9102220100).



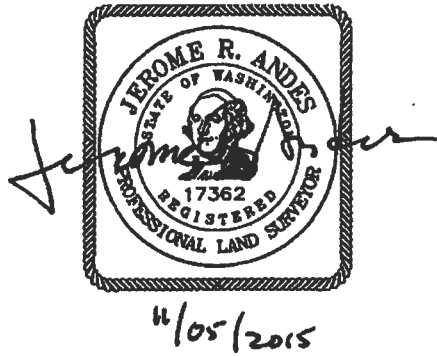
10/05/2015

RIGHT-OF-WAY DEED

**LEGAL DESCRIPTION
PARCEL NO. 30050900103200**

The South 10.00 feet of following described property:

Commencing at the theoretical position of the southwest corner of the Southwest Quarter of the Northeast Quarter of Section 9, Township 30 North, Range 5 East, W.M.; thence East, along the south line of said subdivision, to the intersection with the east line of the Marysville and Arlington railroad right-of-way; thence northerly, along said right-of-way line, a distance of 15 feet to the north line of the South 15.00 feet of said subdivision and the true point of beginning; thence East, parallel with said south line, a distance of 156.00 feet; thence North 175.00 feet; thence West to the east line of said railroad right-of-way line; thence southerly, along said railroad right-of-way line, to the true point of beginning.



TEMPORARY CONSTRUCTION EASEMENT

LEGAL DESCRIPTION
PARCEL NO. 30050900103200

The North 5.00 feet of the South 15.00 feet of following described property:

Commencing at the theoretical position of the southwest corner of the Southwest Quarter of the Northeast Quarter of Section 9, Township 30 North, Range 5 East, W.M.; thence East, along the south line of said subdivision, to the intersection with the east line of the Marysville and Arlington railroad right-of-way; thence northerly, along said right-of-way line, a distance of 15 feet to the north line of the South 15.00 feet of said subdivision and the true point of beginning; thence East, parallel with said south line, a distance of 156.00 feet; thence North 175.00 feet; thence West to the east line of said railroad right-of-way line; thence southerly, along said railroad right-of-way line, to the true point of beginning.



4/05/2015

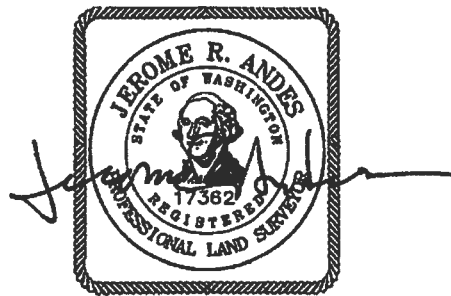
RIGHT-OF-WAY DEED

**LEGAL DESCRIPTION
PARCEL NO. 30050900102400**

The South 30.00 feet of following described property:

Commencing at the southeast corner of the Southwest Quarter of the Northeast Quarter of Section 9, Township 30 North, Range 5 East, W.M.; thence North 89 degrees 24 minutes 08 seconds West, along the south line of said subdivision, a distance of 203.98 feet to the true point of beginning; thence continue North 89 degrees 24 minutes 08 seconds West, along said south line, a distance of 102.32 feet; thence North 0 degrees 32 minutes 33 seconds West a distance of 180.04 feet to the north line of the South 180.00 feet of said subdivision, thence South 89 degrees 24 minutes 08 seconds East, along the north line of said South 180.00 feet, a distance of 101.60 feet to a line that bears North 1 degree 41 minutes 43 seconds West from the true point of beginning; thence South 1 degree 41 minutes 43 seconds East a distance of 180.14 feet to the true point of beginning;

TOGETHER with that portion of the above described property lying southwesterly of a 5.00 foot radius curve concave to the northeast, being tangent to the west line of said property and the north line of the South 30.00 feet of said subdivision:



TEMPORARY CONSTRUCTION EASEMENT

LEGAL DESCRIPTION
PARCEL NO. 30050900102400

That portion of the North 5.00 feet of the South 35.00 feet of the following described property AND lying northeasterly of a 5.00 foot radius curve concave to the northeast, being tangent to the west line of said property and the north line of the South 30.00 feet of said subdivision:

Commencing at the southeast corner of the Southwest Quarter of the Northeast Quarter of Section 9, Township 30 North, Range 5 East, W.M.; thence North 89 degrees 24 minutes 08 seconds West, along the south line of said subdivision, a distance of 203.98 feet to the true point of beginning; thence continue North 89 degrees 24 minutes 08 seconds West, along said south line, a distance of 102.32 feet; thence North 0 degrees 32 minutes 33 seconds West a distance of 180.04 feet to the north line of the South 180.00 feet of said subdivision, thence South 89 degrees 24 minutes 08 seconds East, along the north line of said South 180.00 feet, a distance of 101.60 feet to a line that bears North 1 degree 41 minutes 43 seconds West from the true point of beginning; thence South 1 degree 41 minutes 43 seconds East a distance of 180.14 feet to the true point of beginning.



11/05/2015

TEMPORARY CONSTRUCTION EASEMENT

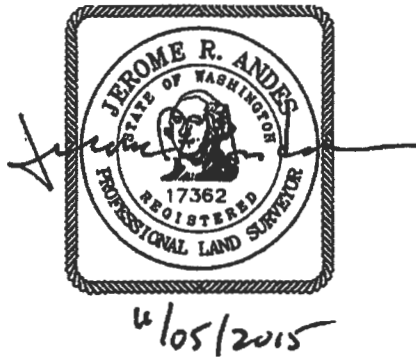
LEGAL DESCRIPTION PARCEL NO. 30050900409600

The North 5.00 feet of the following described property:

Lot 1 of Snohomish County Short Plat Number ZA9011576SP, recorded under Auditor's File Number 9307230162 and corrected by Auditor's File Numbers 9406240695 and 9503220363, records of Snohomish County, Washington;

Together with the Private Road lying easterly of and adjacent to said Lot 1, shown as being a common access for Lots 1 through 3 on said Short Plat.

Being a portion of the Northwest Quarter of the Northwest Quarter of the Southeast Quarter of Section 9, Township 30 North, Range 5 East, W.M.



TEMPORARY CONSTRUCTION EASEMENT

LEGAL DESCRIPTION

PARCEL NOS. 30050900409800 AND 30050900409700

The North 5.00 feet of the following described property:

The Private Road of Snohomish County Short Plat Number ZA9011576SP, recorded under Auditor's File Number 9307230162 and corrected by Auditor's file Numbers 9406240695 and 9503220363, records of Snohomish County, Washington, shown as being a common access for Lots 1 through 3 on said Short Plat.

Being a portion of the Northwest quarter of the Northwest quarter of the Southeast quarter of Section 9, Township 30 North, Range 5 East, W.M.

TEMPORARY CONSTRUCTION EASEMENT

LEGAL DESCRIPTION PARCEL NO. 30050900401700

The North 5.00 feet of the following described property:

Lot 1 of Short Plat Number 158 (5-84), recorded under Auditor's File Number 8406200214, records of Snohomish County, Washington.

Being a portion of the Northwest Quarter of the Northwest Quarter of the Southeast Quarter of Section 9, Township 30 North, Range 5 East, W.M.



4/05/2015

TEMPORARY CONSTRUCTION EASEMENT

LEGAL DESCRIPTION
PARCEL NO. 30050900406100

The North 5.00 feet of the following described property:

Lot 1 of Short Plat Number 405 (8-78), recorded under Auditor's File Number 7902230316, records of Snohomish County, Washington.

Being a portion of the Northwest Quarter of the Northwest Quarter of the Southeast Quarter of Section 9, Township 30 North, Range 5 East, W.M.

