

CITY OF MARYSVILLE
Marysville, Washington

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON DECLARING PUBLIC USE AND NECESSITY FOR LAND AND PROPERTY TO BE CONDEMNED FOR THE PURPOSE OF WIDENING 1ST STREET AND CREATING THE 1ST STREET BYPASS; AND AUTHORIZING THE CONDEMNATION, APPROPRIATION, TAKING, DAMAGING AND ACQUISITION OF LAND AND OTHER PROPERTY AND PAYMENT THEREFORE FROM THE GENERAL FUND.

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

1. An interchange will be constructed for Interstate 5 at SR 529, altering the traffic flow patterns in the city; and
2. The City has conducted engineering and traffic studies and determined that significant traffic will utilize State Avenue from this interchange; and
3. A significant portion of this traffic will be drivers whose destination is east of State Avenue; and
4. The studies show that diverting this eastbound traffic before it reaches the intersection with SR 528 (4th Street) will improve traffic flow and safety; and
5. The project is necessary to meet the city's adopted transportation system concurrency levels of service, provide connectivity and emergency vehicle access (the access to I-5 via the SR 529 interchange will not require a crossing of the railroad tracks); and
6. Based on the engineering studies the most desirable route for the eastbound traffic would be along 1st Street with 1st Street being widened, extended, and realigned in some places; and
7. It will be necessary to acquire the properties, as depicted in Exhibit "A" and described in EXHIBIT "B," attached hereto and incorporated herein by this reference, as it is necessary for the construction of a 1st Street bypass; and
8. Efforts are now on-going to acquire the properties necessary for this public use by negotiation; and
9. 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
10. Public safety, convenience, use and necessity demand the acquisition of several parcels of property, to wit: 100 State Avenue; 1508, 1510, 1518, 1526, 1604, 1612, 1624, and 1702 1st Street, Marysville, Washington; and

11. 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.

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

13. 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.

14. The proposed improvement is to provide additional vehicular capacity on 1st Street for the 1st Street bypass.

15. 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. 1st Street Bypass is a Public Use. The 1st Street Bypass project is a public use. The improvement will be owned by the City of Marysville and open for vehicle, pedestrian, and bicycle travel by members of the public.

Section 2. Determination of Necessity. Acquisition of the properties depicted in Exhibit A and legally described in Exhibit B, both of which are attached and incorporated by this reference (the "Properties"), is necessary to construct the 1st Street Bypass project. If the Properties are not acquired and the Bypass is not constructed, traffic movement and safety along the State Avenue (SR 529) and SR 528 corridors will be severely negatively impacted.

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.

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 General Fund.

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"

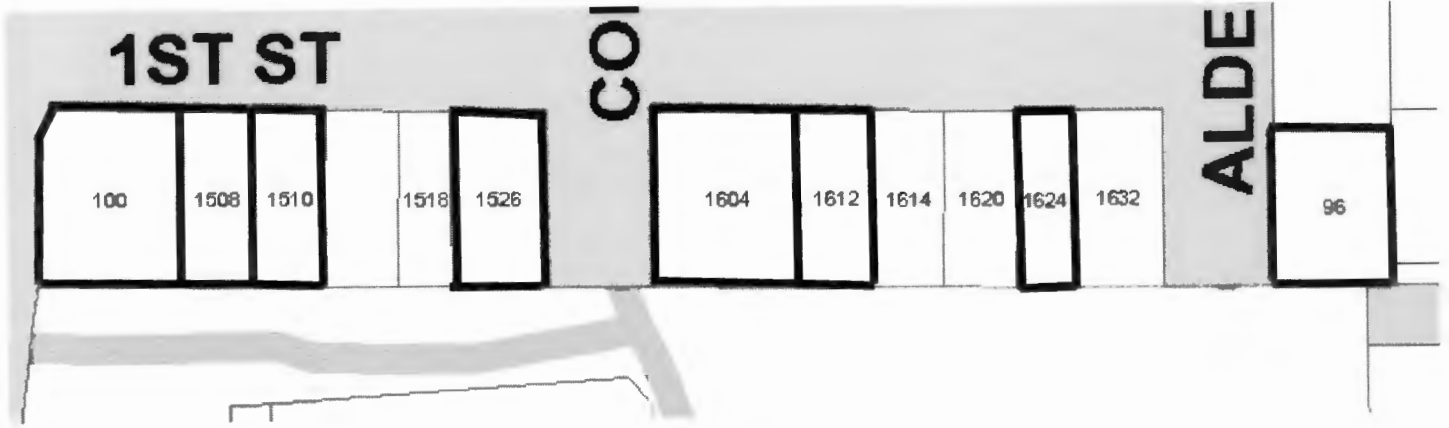


EXHIBIT "B"

100 State Avenue: Section 33 Township 30 Range 05 Quarter NW - D A QUINNS 1ST ADD TO MARYSVILLE (AKA CORRECTION PLAT OF) BLK 008 D-01 - LOTS 6 & 7 EXC RD R/W TO CITY OF MAR PER SWD REC UND AFN 200303271715

1508 1st Street: D A QUINNS 1ST ADD TO MARYSVILLE (AKA CORRECTION PLAT OF) BLK 008 D-00 - LOT 5

1510 1st Street: D A QUINNS 1ST ADD TO MARYSVILLE (AKA CORRECTION PLAT OF) BLK 008 D-00 - LOT 4

1518 1st Street: D A QUINNS 1ST ADD TO MARYSVILLE (AKA CORRECTION PLAT OF) BLK 008 D-02 - LOT 2 LESS E 10FT

1526 1st Street: D A QUINNS 1ST ADD TO MARYSVILLE (AKA CORRECTION PLAT OF) BLK 008 D-00 LOT 1 TGW E 10FT LOT 2

1604 1st Street: D A QUINNS 1ST ADD TO MARYSVILLE (AKA CORRECTION PLAT OF) BLK 007 D-00 - LOTS 6 & 7

1612 1st Street: D A QUINNS 1ST ADD TO MARYSVILLE (AKA CORRECTION PLAT OF) BLK 007 D-00 - LOT 5

1624 1st Street: D A QUINNS 1ST ADD TO MARYSVILLE (AKA CORRECTION PLAT OF) BLK 007 D-00 - W 40 FT LOT 2

96 Alder Ave AKA 1702 1st Street: SEC 33 TWP 30 RGE 05RT-4-1) BAAP 540 FT S OF 1/4 COR ON N LNSEC TH W 58.2 FT M/L TO E BDY ALDER ST TH S 120 FT TH E 79.4 FT TH N 120 FT TH W 21.2FT TO TPB LESS N 15FT FOR RD