

**CITY OF SNOHOMISH
Snohomish, Washington**

ORDINANCE 2034

**AN ORDINANCE OF THE CITY OF SNOHOMISH, WASHINGTON
AUTHORIZING THE CONDEMNATION, APPROPRIATION, TAKING
AND DAMAGING OF LAND AND OTHER PROPERTY, FOR A PUBLIC
TRAIL FOR BICYCLE AND PEDESTRIAN USE AND RELATED
RECREATIONAL FACILITIES, RIVERFRONT BANK PROTECTION,
AND NECESSARY RELATED PUBLIC FACILITIES.**

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

1. Public convenience, use and necessity demand that a public trail along the Snohomish River for pedestrian, bicycle, and related recreational use be constructed to meet the needs of the citizens of the City and surrounding community and that the riverbank be protected.

2. The City has conducted studies and has determined that it will be necessary to acquire fee title and/or easements for constructing and maintaining the trail, riverbank protection, and other necessary related public facilities, and the following-described property is best located and most suitable for those purposes:

PARCEL A (PUZZO PROPERTY):

That portion of Lot 1, Block 3, Plat of Snohomish City Western Part, as recorded in Volume 1 of Plats at Page 3, said portion being described as follows:

Commencing at the Northwest corner of said Lot 1; Thence South, along the West line of said Lot 1, for a distance of 69.00 feet to the TRUE POINT OF BEGINNING; Thence S 70° 18' 48" E to a point on the East line of said Lot 1, said point being 88.00 feet South of the Northeast corner of said Lot 1; Thence 21.92 feet South, along the East line of said Lot 1, to intersect the North line of the Chicago, Milwaukee and St. Paul Railroad right of way; Thence Northwesterly, along said North line, to intersect the West line of said Lot 1; Thence North, along said West line of Lot 1, to the POINT OF BEGINNING.

Situate in the County of Snohomish, State of Washington.

Assessor's Tax Parcel ID #: Portion of 005795-003-001-00

PARCEL B (KNAPPE TRAIL EASEMENT):

That portion of Lots 3 and 4, Block 3, Plat of Snohomish City Western Part, as recorded in Volume 1 of Plats at Page 3, records of Snohomish County, Washington, said portion being described as follows:

Commencing at the Northeast corner of said Block 3; Thence South 03°09'15" West, along the East line of said block for a distance of 170.53 feet to intersect the North line of the Chicago, Milwaukee and St. Paul Railroad right of way; Thence North 70°54'08" West, along said North line, for a distance of 25.00 feet to the TRUE POINT OF BEGINNING of this legal description; Thence continue North 70°54'08" West, along said North line of the railroad, for a distance of 91.48 feet to intersect the West line of the East 112 feet of said block; Thence North 03°09'15" East, along said West line, for a distance of 22.52 feet to intersect the North line of that tract of land described in Statutory Warranty Deed from Dorothy Knappe to Knappe and Knappe, Inc. recorded under Auditor's file no. 9606120184, records of Snohomish County, Washington; Thence South 86°51'10" East, along said North line of Knappe, for a distance of 7.00 feet; Thence South 47°49'48" East, leaving said North line of Knappe, for a distance of 27.00 feet; thence South 63°16'29" East for a distance of 45.00 feet; Thence South 52°48'24" East for a distance of 22.61 feet to intersect the North line of the Chicago, Milwaukee and St. Paul Railroad right of way at the POINT OF BEGINNING.

Situate in the County of Snohomish, State of Washington.

Assessor's Tax ID #: Portion of 005795-003-003-03

PARCEL C (KNAPPE SLOPE):

That portion of Lots 3 and 4, Block 3, Plat of Snohomish City Western Part, as recorded in Volume 1 of Plats at Page 3, records of Snohomish County, Washington, said portion being described as follows:

Commencing at the Northeast corner of said Block 3; Thence South 03°09'15" West, along the East line of said Block, for a distance of 163.53 feet to the TRUE POINT OF BEGINNING of this legal description; Thence continue South 03°09'15" West, along the East line of said block, for a distance of 7.00 feet to intersect the North line of the Chicago, Milwaukee and St. Paul Railroad right of way; Thence North 70°54'08" West, along said North line, for a distance of 25.00 feet; Thence North 52°48'24" West, leaving said North line of the railroad, for a distance of 22.61 feet; Thence North 63°16'29" West for a distance of 45.00 feet; Thence North 47°49'48" West for a distance of 27.00 feet to intersect the North line of that tract of land described in Statutory Warranty Deed from Dorothy Knappe to Knappe and Knappe, Inc. recorded under Auditor's file no. 9606120184, records of Snohomish County, Washington; Thence South

86°51'10" East, along said North line of Knappe, for a distance of 10.00 feet; Thence South 68°17'59" East, leaving said North line of Knappe, for a distance of 22.00 feet; Thence South 59°11'20" East for a distance of 28.00 feet; Thence South 30°24'36" East for a distance of 12.00 feet; Thence South 64°32'07" East for a distance of 46.16 feet to intersect the East line of said Block 3 at the POINT OF BEGINNING.

Situate in the County of Snohomish, State of Washington.

Assessor's Tax ID #: Portion of 005795-003-003-03

hereinafter "The Property".

3. The cost of the acquisition provided by this ordinance shall be paid by voter-approved bonds, budgeted funds of the City, or as otherwise may be provided by law.

4. The City has authority pursuant to RCW 8.12 to acquire, if necessary, fee title or easements to real property for public purposes, including, but not limited to, a public trail and riverbank protection.

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

1. The City is hereby authorized to condemn, appropriate, take and damage The Property legally described above.

2. The use of The Property is for a public trail for pedestrian, bicycle and related recreational use, for riverbank protection and other public facilities, 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 Property are hereby authorized to be condemned, appropriated, taken and damaged for the purpose of a public trail for pedestrian, bicycle and related recreational use, for riverbank protection and other public facilities. The property rights to be acquired shall be in the form of fee title as to Parcel A and easements as to Parcels B and C. All lands, rights, privileges and other properties are authorized 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 voter-approved bonds, budgeted funds of the City, or as otherwise 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 the manner provided by law, if necessary, to carry out the provisions of this ordinance, and/or to enter into settlements to mitigate damages.

PASSED by the City Council and **APPROVED** by the Mayor this 19th day of August, 2003.

CITY OF SNOHOMISH

By _____
Cameron M. Bailey, Mayor

ATTEST:

By _____
Torchie Corey, City Clerk

Approved as to form:

By _____
Grant K. Weed, City Attorney

Date of Publication: _____

Effective Date (5 days after publication): _____