

CITY OF LYNDEN



EXECUTIVE SUMMARY – City Council

Meeting Date:	March 6, 2023	
Name of Agenda Item:	Tops Condemnation	
Section of Agenda:	New Business	
Department:	Public Works	
<u>Council Committee Review:</u>	<input type="checkbox"/> Community Development <input type="checkbox"/> Finance <input type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input type="checkbox"/> Public Works <input type="checkbox"/> Other: _____
<u>Legal Review:</u>	<input checked="" type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input type="checkbox"/> Review Not Required	
Attachments:		
Ordinance No. 23-1664 Condemnation and Taking by Eminent Domain of Easements for a Jim Kaemingk Trail Extension		
Summary Statement:		
<p>The City of Lynden has completed a design to expand the Jim Kaemingk Sr. Trail from Depot Road west to 8th Street. This expansion of the trail network will extend and improve the trail allowing more neighborhoods to access City Park with the Million Smiles Playground and Lynden’s extensive signature trail system to the east. The City requires two easements over property abutting West Pine Street:</p> <ol style="list-style-type: none"> a) A temporary construction easement for approximately 18 months for the purpose of constructing a new section of public trail on adjacent property, and b) Once the temporary construction easement expires, a temporary access and maintenance easement for a period of 36 months to efficiently access required mitigated vegetative plantings adjacent to the shoreline required for the trail and to address future maintenance needs for those plantings. <p>To complete the project in 2023, the construction contract should be advertised before the end of March. City staff and the City Attorney have contacted the owner(s) of the Property and their attorney on several occasions to acquire the easements but without success. It is in public interest to exercise the City’s power of eminent domain and condemn the property for the purposes of obtaining these easements subject to the City paying just compensation to the property owners as provided by law.</p> <p>Per RCW, notice has been delivered via mail, and the required advertising has been done in the City’s paper of record, the Lynden Tribune.</p>		
Recommended Action:		
That City Council approve Ordinance No. 23-1664 authorizing the acquisition, condemnation, appropriation, and taking by eminent domain of easements for the construction and maintenance of an extension of the Jim Kaemingk Sr. Trail between Depot Road and 8 th Street and authorize the Mayor’s signature on the Ordinance.		