

After recording return document to:

City of Burlington  
833 S Spruce Street  
Burlington, WA 98233



200801300149

Skagit County Auditor

1/30/2008 Page 1 of 14 4:06PM

**Document Title:** *Bargain and Sale Deed*

**Grantor:** *VERN SIMS FAMILY LIMITED PARTNERSHIP and GILBERT FAMILY PROPERTIES L.L.C.*

**Grantee:** *CITY OF BURLINGTON*

**Legal Description:** *A ptn. of Trs. 1 & 2 of Rev. SP 48-76 in 7-34-4 E W.M.*

**Additional Legal Description is on:** *Exhibit "A" of this Document*

**Assessor's Tax Parcel Numbers:** *P24062; P24065*

In the Matter of: **CITY OF BURLINGTON v. VERN SIMS FAMILY LIMITED PARTNERSHIP and GILBERT FAMILY PROPERTIES L.L.C.**

### **BARGAIN AND SALE DEED**

The grantors VERN SIMS FAMILY LIMITED PARTNERSHIP and GILBERT FAMILY PROPERTIES L.L.C., for and in consideration of TEN AND NO/100 (\$10.00) DOLLARS in hand paid, bargains, sells and conveys to the CITY OF BURLINGTON, a municipal corporation of the State of Washington, under the imminent threat of the Grantee's exercise of its rights of Eminent Domain the following described real estate situated in the county of Skagit state of Washington:

For legal description, see **Exhibit A attached hereto and made a part hereof.**

Also, the Grantor requests the Assessor and Treasurer of Skagit County to set over to the remainder of the hereinafter described parcel, all as described in Exhibit "B," the lien of all unpaid taxes, if any, affecting the real estate herein conveyed, as provided for by RCW 84.60.070.

**BARGAIN AND SALE DEED**

**GRANTOR:**

GILBERT FAMILY PROPERTIES L.L.C.

By: Warren M. Gilbert

Its: Manager

STATE OF Washington

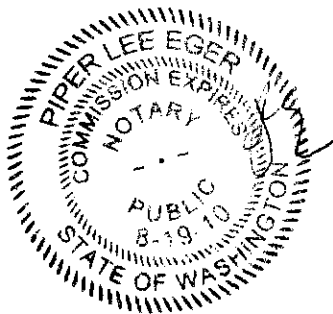
} ss.

COUNTY OF Skagit

On this day of November 21, 2007, before me personally appeared Warren M. Gilbert, to me known to be the \_\_\_\_\_ of GILBERT FAMILY PROPERTIES L.L.C., that executed the foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said Limited Liability company, for the uses and purposes therein mentioned, and on oath stated that s/he is authorized to execute said instrument.

DATED this 21<sup>st</sup> day of November, 2007.

(SEAL)



Piper Lee Eger  
Notary Public  
Residing at Mount Vernon  
My appointment expires 8/19/10



**BARGAIN AND SALE DEED**

**GRANTEE:**

CITY OF BURLINGTON

*Roger Tjeerdsma*  
Mayor Roger "Cus" Tjeerdsma

Approved as to Form:

*Scott G. Thomas*  
Scott G. Thomas  
City Attorney

Attest:

*Marie Lambert*  
Marie Lambert  
Interim Finance Director



**BARGAIN AND SALE DEED**

Dated this 21<sup>st</sup> day of November, 2007

**GRANTOR:**

**VERN SIMS FAMILY LIMITED PARTNERSHIP**

By: *Vern Sims*

Its: *Vern*

STATE OF Washington

COUNTY OF Skagit

ss.

300  
SKAGIT COUNTY WASHINGTON  
REAL ESTATE EXCISE TAX

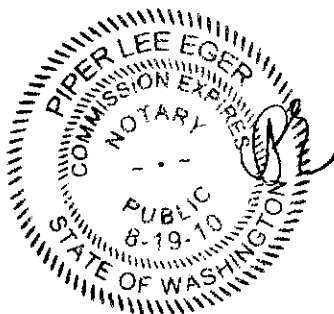
JAN 30 2008

*Sp*

On this day of November 21, 2007, before me personally appeared Vern Sims, to me known to be the MANAGER of **VERN SIMS FAMILY LIMITED PARTNERSHIP**, that executed the foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said Limited Partnership, for the uses and purposes therein mentioned, and on oath stated that s/he is authorized to execute said instrument.

DATED this 21<sup>st</sup> day of November 2007.

(SEAL)



*Piper Lee Eger*  
Notary Public  
Residing at Mount Vernon  
My appointment expires 8/19/10



AN ORDINANCE OF THE CITY OF BURLINGTON, WASHINGTON, AUTHORIZING AND PROVIDING FOR THE ACQUISITION OF CERTAIN REAL PROPERTY BY EMINENT DOMAIN; PROVIDING FOR THE PAYMENT THEREOF OUT OF A TAX SUPPORTED GENERAL FUND; AUTHORIZING THE CITY ATTORNEY TO PREPARE A PETITION FOR CONDEMNATION IN THE SUPERIOR COURT OF WASHINGTON IN AND FOR THE COUNTY OF SKAGIT AND TO PROSECUTE THE SAME FOR THE ACQUISITION OF SUCH PROPERTY FOR THE PURPOSE OF CONSTRUCTION OF STREET IMPROVEMENTS AND SIDEWALKS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURLINGTON, WASHINGTON, AS FOLLOWS:

SECTION 1. The City Council hereby recognizes and finds that the public necessity and convenience demand that the real property described in the attached EXHIBIT "A", which exhibit is by this reference made a part hereof as if fully set forth at this point, be condemned, appropriated and taken in fee simple for a public purpose and use, namely the construction of street improvements, pedestrian sidewalks, and related transportation and utility facilities.

SECTION 2. The City Attorney is hereby authorized and directed to commence proceedings in eminent domain against the owners or reputed owners of the above described lands and improvements as provided by law, to prepare the necessary petition in eminent domain, and to commence and prosecute such action in the Superior Court of Washington in and for the County of Skagit against all of the owners or reputed owners of the herein above described property and to acquire title thereof for the City of Burlington, and in such proceedings to ascertain the just compensation for taking or damaging such property.

SECTION 3. Compensation for the acquisition of said lands shall be made from a governmental fund supported by general tax revenues, together with such other funds or grant monies as may be available therefore.

SECTION 4. Nothing in this Ordinance shall be construed as a waiver by the City of Burlington of its right to decline to take and pay for said land and properties after the amount of damages has been ascertained and within the time allowed by law.

SECTION 5. This Ordinance shall take effect and be in force from and after its passage, approval and publication as provided by law.



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Skagit County Auditor

PASSED AND ADOPTED this

ATTEST:

  
RICHARD A. PATRICK, Finance Director

Approved as to form:

  
SCOTT G. THOMAS, City Attorney

Filed with City Clerk:	11/28/2005
Passed by the City Council:	12/8/2005
Signed by the Mayor:	12/8/2005
Published:	12/14/2005
Effective:	12/19/2005



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Skagit County Auditor

THAT PORTION OF REVISED SHORT PLAT 48-76, AS RECORDED IN BOOK 2 OF SHORT PLATS, PAGE 11, AUDITOR'S FILE NUMBER 848370, RECORDS OF SKAGIT COUNTY, WASHINGTON, SITUATE IN THE NW ¼ OF THE NE ¼ OF SEC 7, TOWNSHIP 34 N., RANGE 4 E., W.M. DESCRIBED AS FOLLOWS: COMMENCING AT THE SE CORNER OF SAID SHORT PLAT; THENCE N. 09°03'53" E. ALONG THE WESTERLY R-O-W LINE OF PRIMARY STATE HIGHWAY 1 (I-5) A DISTANCE OF 288.17 FT, MORE OR LESS, TO AN ANGLE POINT IN SAID WESTERLY R-O-W; THENCE N. 00°06'22" W. ALONG SAID WESTERLY R-O-W LINE, A DISTANCE OF 414.35 FT TO THE POINT OF BEGINNING; THENCE N. 87°33'46" W., 60.06 FT; THENCE N. 00°06'22" W., 555.19 FT; THENCE N. 00°32'48" E., 9.04 FT, MORE OR LESS, TO THE NORTH LINE OF THE NE ¼ OF SEC 7, TOWNSHIP 34 N., RANGE 4 E., W.M., THENCE S. 87°06'15" E. ALONG SAID N. LINE A DISTANCE OF 60.05 FT TO THE SAID WESTERLY R-O-W LINE; THENCE S. 00°32'48" W. A DISTANCE OF 6.24 FT TO AN ANGLE POINT IN SAID WESTERLY R-O-W LINE; THENCE S. 00°06'22" E. ALONG SAID WESTERLY R-O-W LINE, A DISTANCE OF 557.51 FT TO THE POINT OF BEGINNING;

CONTAINING 33,839 SQ. FT, OR 0.78 ACRES, MORE OR LESS.

After/Acquisition Plan (P24062)

(Along with additional Westerly 15 ft. for a temporary easement)

#### LEGAL DESCRIPTION

LEGAL DESCRIPTION OF R-O-W TAKE FOR PARCEL 340407-1-014-0209;

THAT PORTION OF REVISED SHORT PLAT 48-76, AS RECORDED IN BOOK 2 OF SHORT PLATS, PAGE 11, AUDITOR'S FILE NO. 848370, RECORDS OF SKAGIT COUNTY, WASHINGTON, SITUATE IN THE NW ¼ OF THE NE ¼ OF SEC. 7, TOWNSHIP 34 N., RANGE 4 E., W.M., DESCRIBED AS FOLLOWS: COMMENCING AT THE SE CORNER OF SAID SHORT PLAT; THENCE N 09°03'53" E ALONG THE WESTERLY R-O-W LINE OF PRIMARY STATE HIGHWAY NO. 1 (I-5), A DISTANCE OF 288.17 FT, MORE OR LESS, TO AN ANGLE POINT IN SAID WESTERLY R-O-W; THENCE N 00°06'22" W. ALONG SAID WESTERLY R-O-W LINE, A DISTANCE OF 229.67 FT TO THE NE CORNER OF THAT CERTAIN R-O-W DEEDED TO THE CITY OF BURLINGTON PER AUDITOR'S FILE NO. 9510200047, AND THE POINT OF BEGINNING; THENCE S 89°53'38" W ALONG THE N EDGE OF SAID CITY OF BURLINGTON R-O-W A DISTANCE OF 50.00 FT TO THE NW CORNER OF SAID CITY OF BURLINGTON R-O-W; THENCE CONTINUING S 89°53'38" W, 10.00 FT; THENCE N 00°06'22" W, 86.24 FT; THENCE S 87°33'46" E, 60.06 FT TO THE WESTERLY R-O-W LINE OF SAID PRIMARY STATE HIGHWAY NO. 1 (I-5); THENCE S 00°06'22" E, ALONG SAID WESTERLY R-O-W LINE A DISTANCE OF 83.57 FT TO THE POINT OF BEGINNING;

CONTAINING 5,094 SQ. FT., OR 0.12 ACRES, MORE OR LESS.

Legal Description for acquisition at P24064

(Along with additional westerly 15 ft. for a temporary ease



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Skagit County Auditor

LEGAL DESCRIPTION OF R-O-W TAKE FOR PARCEL 340407-1-014-0407;

THAT PORTION OF REVISED SHORT PLAT 48-76, AS RECORDED IN BOOK 2 OF SHORT PLATS, PAGE 11, AUDITOR'S FILE NO. 848370, RECORDS OF SKAGIT COUNTY, WASHINGTON, SITUATE IN THE NW ¼ OF THE NE ¼ OF SEC. 7, TOWNSHIP 34 N., RANGE 4 E., W.M., DESCRIBED AS FOLLOWS:

COMMENCING AT THE SE CORNER OF SAID SHORT PLAT; THENCE N 09°03'53" E ALONG THE WESTERLY R-O-W LINE OF PRIMARY STATE HIGHWAY NO. 1 (I-5), A DISTANCE OF 288.17 FT., MORE OR LESS, TO AN ANGLE POINT IN SAID WESTERLY R-O-W;  
THENCE N 00°06'22" W ALONG SAID WESTERLY R-O-W LINE, A DISTANCE OF 313.24 FT TO THE POINT OF BEGINNING;  
THENCE N 87°33'46" W, 60.06 FT; THENCE N 00°06'22" W, 101.11 FT; THENCE S 87°33'46" E., 60.06 FT TO THE SAID WESTERLY R-O-W LINE; THENCE S 00°06'22" E ALONG SAID WESTERLY R-O-W LINE, A DISTANCE OF 101.11 FEET TO THE POINT OF BEGINNING;

CONTAINING 6,067 SQ. FT. OR 0.14 ACRES, MORE OR LESS

Legal Description for acquisition at P24065 (Sims)

(Along with an additional Westerly 15 ft. for a temporary easement.)



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**EXHIBIT "A" – ROW Granted to City of Burlington**

**LEGAL DESCRIPTION OF RIGHT-OF-WAY TAKE FOR PARCEL  
340407-1-014-0001 (P24062)**

THAT PORTION OF REVISED SHORT PLAT 48-76, AS RECORDED IN BOOK 2 OF SHORT PLATS, PAGE 11, AUDITOR'S FILE NO. 848370, RECORDS OF SKAGIT COUNTY, WASHINGTON, SITUATE IN THE NW ¼ OF THE NE ¼ OF SEC 7, TWNShP 34 N., RANGE 4 E, W.M. DESCRIBED AS FOLLOWS:

COMMENCING AT THE SE CORNER OF SAID SHORT PLAT;  
THENCE N. 09°03'53" E. ALONG THE WESTERLY R-O-W LINE OF PRIMARY STATE HIGHWAY 1 (I-5) A DISTANCE OF 288.17 FT, MORE OR LESS, TO AN ANGLE POINT IN SAID WESTERLY R-O-W;  
THENCE N. 00°06'22" W. ALONG SAID WESTERLY R-O-W LINE, A DISTANCE OF 414.35 FT TO THE POINT OF BEGINNING;  
THENCE N. 87°33'46" W., 60.06 FT.;  
THENCE N. 00°06'22" W., 555.19 FT.;  
THENCE N. 00°32'48" E., 9.04 FT, MORE OR LESS, TO THE NORTH LINE OF THE NE ¼ OF SEC 7, TWNShP 34 N., RANGE 4 E., W.M.,  
THENCE S. 87°06'15" E. ALONG SAID N. LINE A DISTANCE OF 60.05 FT. TO THE SAID WESTERLY R-O-W LINE;  
THENCE S. 00°32'48" W. A DISTANCE OF 6.24 FT. TO AN ANGLE POINT IN SAID WESTERLY R-O-W LINE;  
THENCE S. 00°06'22" E. ALONG SAID WESTERLY R-O-W LINE, A DISTANCE OF 557.51 FT TO THE POINT OF BEGINNING;

CONTAINING 33,839 SQ. FT, OR .78 ACRES, MORE OR LESS.

(CONTINUED)

**LEGAL DESCRIPTION OF RIGHT-OF-WAY TAKE FOR PARCEL  
340407-1-014-0407 (P24065)**

THAT PORTION OF REVISED SHORT PLAT 48-76, AS RECORDED IN BOOK 2 OF SHORT PLATS, PAGE 11, AUDITOR'S FILE NO. 848370, RECORDS OF SKAGIT COUNTY, WASHINGTON, SITUATE IN THE NW ¼ OF THE NE ¼ OF SEC 7, TWNShP 34 N., RANGE 4 E, W.M. DESCRIBED AS FOLLOWS:

COMMENCING AT THE SE CORNER OF SAID SHORT PLAT;  
THENCE N. 09°03'53" E. ALONG THE WESTERLY R-O-W LINE OF PRIMARY STATE HIGHWAY 1 (I-5) A DISTANCE OF 288.17 FT, MORE OR LESS, TO AN ANGLE POINT IN SAID WESTERLY R-O-W;  
THENCE N. 00°06'22" W. ALONG SAID WESTERLY R-O-W LINE, A



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DISTANCE OF 313.24 FT TO THE POINT OF BEGINNING;  
THENCE N. 87°33'46" W., 60.06 FT.;  
THENCE N. 00°06'22" W., 101.11 FT.;  
THENCE S. 87°33'46" E. TO THE SAID WESTERLY R-O-W LINE;  
THENCE S 00°06'22" E ALONG SAID WESTERLY R-O-W LINE, A  
DISTANCE OF 101.11 FEET TO THE POINT OF BEGINNING.

CONTAINING 6,067 SQ. FT, OR .14 ACRES, MORE OR LESS.



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**BARGAIN AND SALE DEED**

**EXHIBIT "B" - Remainder**

**PARCEL "B"**

That portion of Tracts 1 and 2 of Revised Short Plat No. 48-76, approved December 28, 1976, and recorded December 29, 1976, under Auditor's File No. 848370 in volume 2 of short Plats, page 11, records of Skagit County, Washington; being a portion of the Northwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 7, Township 34 North, Range 4 East, W.M., described as follows:

Beginning at the Southeast corner of said Tract 2, said point also being on the West right of way line of Primary State highway No. 1;  
Thence North  $8^{\circ}06'14''$  East along said West line, 287.96 feet to an angle point in said West right of way line;  
Thence North  $1^{\circ}04'36''$  West, along said West line, 313.24 feet to the true point of beginning;  
Thence North  $88^{\circ}33'59''$  West parallel with the South line of said Tract 2, a distance of 389.93 feet to the West line of said Tract 2;  
Thence North  $1^{\circ}26'01''$  East along said West line and West line extended, 101.20 feet;  
Thence South  $88^{\circ}33'59''$  East 385.49 feet to the West right of way line of Primary State Highway No. 1;  
Thence South  $1^{\circ}04'36''$  East along said right of way, 101.30 feet to the point of true beginning,

Situate in the County of Skagit, State of Washington.

Continued

**PARCEL "C"**

**Tract 1:**

That portion of Tract 1 of Revised Short Plat No. 48-76, approved December 28, 1976, and recorded December 29, 1976, under Auditor's File No. 848370 in volume 2 of short Plats, page 11, records of Skagit County, Washington; being a portion of the Northwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 7, Township 34 North, Range 4 East, W.M., described as follows:



## **BARGAIN AND SALE DEED**

**Beginning at the Northwest Corner of Tract 2 of said Revised Short Plat No. 48-76;**

**Thence North 2°25'36" East to the North line of said Tract 1;**

**Thence East along the north line of said Tract 1 to the Northeast corner thereof;**

**Thence South along the East line of said Tract 1 to the Northeast corner of Tract 2 of said Revised Short Plat No. 48-76;**

**Thence north 87°34'24" West along the North line of said Tract 2, a distance of 387.82 feet to the Point of beginning.**

**EXCEPT the South 34.50 feet thereof as conveyed to Vern Sims Ford, Inc., a Washington corporation by deed dated March 3, 1977, and recorded March 4, 1977, under Auditor's File No. 851957,**

**AND EXCEPT the South 4 acres of that remaining portion thereof lying Northerly of and adjacent to said 34.50 foot strip of land.**

### **Tract 3**

**The South 4 acres of that portion of Tract 1 of Revised Short Plat No. 48-76, approved December 28, 1976, and recorded December 29, 1976, under Auditor's File No. 848370 in volume 2 of short Plats, page 11, records of Skagit County County, Washington; being a portion of of the Northwest ¼ of the Northeast ¼ of Section 7, Township 34 North, Range 4 East, W.M., described as follows:**

**Beginning at the Northwest corner of tract 2 of said Revised Short Plat No. 48-76;**

**Thence North 2°25'36" East to the North line of said Tract 1;**

**Thence East along the North line of said tract 1 to the Northeast corner thereof;**

**Thence South along the East line of said Tract 1 to the Northeast corner of Tract 2 of said Revised Short Plat No. 48-76;**

**Thence North 87°34'24" West along the North line of said Tract 2, 387.82feet to the point of beginning,**

**EXCEPT the South 34.5 feet thereof as conveyed to Vern Sims Ford, Inc., a Washington corporation by deed dated March 3, 1977, and recorded March**



**BARGAIN AND SALE DEED**

**4, 1977, under Auditor's File No. 851957,**



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## BARGAIN AND SALE DEED

This sketch is a courtesy of LAND TITLE COMPANY OF SKAGIT COUNTY to assist in locating the premises.

It is not based on a survey, and the Company assumes no liability for variations, if any, in dimensions and locations.

This map does not purport to show all highways, roads or easements affecting the property.

