



200805090069
Skagit County Auditor

5/9/2008 Page 1 of 8 11:50AM

Return Address:

Mr. Michael S. Schechter
Foster Pepper PLLC
1111 Third Ave., Suite 3400
Seattle, WA 98101

Please print or type information **WASHINGTON STATE RECORDER'S Cover Sheet** (RCW 65.04)

Document Title(s) (or transactions contained therein): (all areas applicable to your document must be filled in)

- 1. Lis Pendens 2. _____
- 3. _____ 4. _____

Reference Number(s) of Documents assigned or released:

Additional reference #'s on page N/A of document

Grantor(s) (Last name, first name, initials)

- 1. Mount Vernon Plaza Associates, LLC
- 2. Rocky, Eduard P.

Additional names on page 3 of document.

Grantee(s) (Last name first, then first name and initials)

- 1. City of Mount Vernon
- 2.

Additional names on page N/A of document.

Legal description (abbreviated: i.e. lot, block, plat or section, township, range)

North 1/2 of Northwest 1/4 of Southwest 1/4 of Section 17, Township 34 North, Range 4 East, W.M.

Additional legal is on page 4-7 of document.

Assessor's Property Tax Parcel/Account Number Assessor Tax # not yet assigned
P25984, P25678

The Auditor/Recorder will rely on the information provided on the form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

I am requesting an emergency nonstandard recording for an additional fee as provided in RCW 36.18.010. I understand that the recording processing requirements may cover up or otherwise obscure some part of the text of the original document.

Signature of Requesting Party

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SUPERIOR COURT OF WASHINGTON IN AND FOR SKAGIT COUNTY

In the Matter of the Petition of the City of Mount Vernon to acquire by condemnation certain property and property rights for the improvement of College Way and Riverside Drive, as contemplated by City of Mount Vernon Ordinance No. 3401,

No. **08 2 00768 8**

LIS PENDENS

[In re City of Mount Vernon - College Way/ Riverside Drive (P25984/P25678 -Mt. Vernon Plaza)]

NOTICE IS HEREBY GIVEN that an action has been instituted and is now pending in the Superior Court of the State of Washington for Skagit County, upon the Summons and Petition of the City of Mount Vernon, a municipal corporation, against the persons, firms and corporations listed in Exhibit B attached hereto.

Said action is to condemn, appropriate, take and damage certain property and property rights for a public purpose, to wit: the acquisition of interests in land for the purpose of road improvements of College Way and Riverside Drive in Mount Vernon, Washington. Said action affects title to the real estate situated in Skagit County, Washington, described in Exhibit A attached hereto.

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LIS PENDENS - 1

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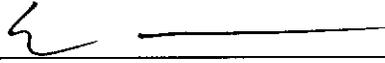
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DATED this ____ day of April, 2008.

MOUNT VERNON CITY ATTORNEY


Kevin Rogerson, WSBA #31664

and

FOSTER PEPPER PLLC
P. Stephen DiJulio, WSBA # 7139
Michael S. Schechter, WSBA # 35602
Special Assistant City Attorneys

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EXHIBIT B

Mount Vernon Plaza Associates, LLC (fee owner)
Eduard P. Rockey (fee owner)
Babette Lena Phillips (fee owner trustee)
Isobell Burtenshaw (fee owner)
Norah Lee Smith (fee owner)
Penny Vanburen f/k/a Penny Lee Merrell (fee owner)
Wendee Hamilton f/k/a Wendee Cyr (fee owner)
Tracie Cyr (fee owner)
Phillip E. Cyr (fee owner)
Rite Aid (tenant/successor to Thrifty Payless, Inc.)
Public Utility District No. 1 of Skagit County (easement grantee)
State of Washington, Department of Transportation (easement grantee)
Skagit County (for general taxation purposes only)

THE IDENTIFICATION OF INTERESTS IN PROPERTY SET FORTH PARENTHETICALLY ABOVE ARE FOR INFORMATIONAL PURPOSES ONLY; AND, ARE NOT A REPRESENTATION OR ACKNOWLEDGMENT OF A RESPONDENT'S SPECIFIC RIGHTS.

EXHIBIT A

LISSER & ASSOCIATES, PLLC

320 Milwaukee St, PO Box 1109, Mount Vernon WA 98273 (360) 419-7442 FAX (360) 419-0581

Description for New Road Right-of-way

June 29, 2007

That portion of the following described Tract "X", lying Northerly and Westerly of the following described line:

Commencing at the Northwest corner of the Southwest 1/4 (West 1/4 corner) of Section 17, Township 34 North, Range 4 East, W.M.;
thence South 0°24'00" West along the West line of said Southwest 1/4 for a distance of 669.94 feet, more or less, to the Southwest corner of the North 1/2 of the Northwest 1/4 of the Southwest 1/4 of said Section 17;
thence South 89°42'08" East along said South line for a distance of 37.00 feet to the TRUE POINT OF BEGINNING of said line description;
thence North 00°24'00" East for a distance of 27.82 feet;
thence North 2°30'00" East for a distance of 192.33 feet;
thence South 89°42'08" East for a distance of 2.00 feet;
thence North 2°30'00" East for a distance of 115.09 feet;
thence North 89°42'08" West for a distance of 2.27 feet;
thence North 00°24'00" East for a distance of 73.05 feet;
thence North 14°26'10" East for a distance of 45.87 feet;
thence North 00°24'00" East for a distance of 136.54 feet;
thence North 49°28'26" East for a distance of 37.83 feet;
thence South 89°37'00" East for a distance of 48.09 feet;
thence North 87°35'56" East for a distance of 329.36 feet, more or less, to the South line of the North 40.00 feet of said Southwest 1/4 of said Section 17, Township 34 North, Range 4 East, W.M., being the existing Southerly right-of-way margin of SR 538, College Way and also being the terminus of said line description.

Tract "X"

(Shown as Parcels A and B on Land Title Company Limited Liability Report Order No. 123867)

Parcel A

That portion of the North 1/2 of the Northwest 1/4 of the Southwest 1/4 of Section 17, Township 34 North, Range 4 East, W.M., lying West of the Pacific Northwest Traction Company right of way,

EXCEPT the South 450 feet thereof,

AND EXCEPT those portions thereof lying within the boundaries of the County road and State Highway rights-of-way,

AND EXCEPT that portion thereof lying East of a line running South from a point on the South line of the A. W. Furber Road that is 262.33 feet West of the West line of the Old Pacific Northwest Traction Company right-of-way,

AND EXCEPT the North 10 feet conveyed to the City of Mount Vernon by Deeds recorded under Auditor's File Nos. 816623 through 816628, inclusive.



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Parcel B

That portion of the North 1/2 of the Northwest 1/4 of the Southwest 1/4 of Section 17, Township 34 North, Range 4 East, W.M., described as follows:

BEGINNING at a point on the East side of the State Highway, 450 feet North of the South line of said subdivision;
thence South along the East line of said highway, 115 feet;
thence East parallel to the South line of said subdivision, 211 feet;
thence North to a point 211 feet East of the POINT OF BEGINNING and 450 feet North of the South line of said subdivision;
thence West to the POINT OF BEGINNING.

ALL OF THE ABOVE BEING SUBJECT TO and TOGETHER WITH easements, reservations, restrictions, covenants, liens, leases, court causes and other instruments of record.

All situate in the City of Mount Vernon, County of Skagit, State of Washington.

Area of new right-of-way = 11,709 sq. ft.



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