

UNRECORDED



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Skagit County Auditor

9/5/2008 Page 1 of 8 3:33PM

WHEN RECORDED RETURN TO:

City of Mount Vernon
P.O. Box 809
Mount Vernon, WA 98273

123808-AC
LAND TITLE OF SKAGIT COUNTY

DOCUMENT TITLE(S):
JUDGMENT AND DECREE OF APPROPRIATION

REFERENCE NUMBER(S) OF DOCUMENTS ASSIGNED OR RELEASED:

GRANTOR:
KRISTIE L. HAWLEY, formerly KRISTIE L. MITZEL, as her separate property

GRANTEE:
CITY OF MOUNT VERNON, a Washington municipal corporation

ABBREVIATED LEGAL DESCRIPTION:
A Ptn Of SE 1/4 Of NE 1/4, 18-34-4 E WM

TAX PARCEL NUMBER(S):
340418-0-056-0009, P26133

2890
 SKAGIT COUNTY WASHINGTON
 REAL ESTATE EXCISE TAX
 SEP 05 2008
 Amount Paid: *0*
 Skagit Co. Treasurer
 By: *LD*

FILED DOCUMENT

FILED
SKAGIT COUNTY CLERK
SKAGIT COUNTY, WA

2008 AUG 28 PM 1:33

CERTIFIED COPY

SUPERIOR COURT OF WASHINGTON 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. 08-2-00764-5

STIPULATED FINDINGS OF FACT,
CONCLUSIONS OF LAW,
JUDGMENT AND DECREE OF
APPROPRIATION

*[In re City of Mount Vernon - College Way/
Riverside Drive (P26133 - Hawley)]*

CLERK'S ACTION REQUIRED

Petitioner, City of Mount Vernon (the "City"), Respondent Kristie L. Hawley ("Hawley"), and Respondent Skagit County stipulate as follows:

1. JUDGMENT SUMMARY

1.1 AMOUNT OF JUDGMENT

| | | |
|-------|-------------------------------------|------------|
| 1.1.1 | Total amount: | \$ 466,065 |
| 1.1.2 | Previous Possession and Use Deposit | \$ 303,300 |
| 1.1.3 | Costs | \$ - 0 - |
| 1.1.4 | Balance remaining: | \$ 162,765 |

1.2 JUDGMENT CREDITORS. Hawley by John W. Hicks, Schacht & Hicks, Inc., P.S., 1603 South Third Street, P.O. Box 1165, Mount Vernon, WA 98273; Phone 360-336-6565.

1.3 JUDGMENT DEBTOR. City of Mount Vernon by Kevin Rogerson, City Attorney and P. Stephen DiJulio, Foster Pepper PLLC, 1111 Third Avenue, Suite 3400, Seattle, WA 98101; Phone 206-447-4400.

STIPULATED FINDINGS OF FACT, CONCLUSIONS OF
LAW, JUDGMENT AND DECREE OF APPROPRIATION - 1

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1 1.4 JUDGMENT AMOUNT

| | | | |
|---|-------|---------------------------------|------------|
| 2 | 1.4.1 | Balance remaining: | \$ 162,765 |
| 3 | 1.4.2 | Interest owed: | \$ - 0 - |
| 4 | 1.4.3 | Costs | \$ - 0 - |
| | 1.4.4 | Total amount due from the City: | \$ 162,765 |

5 1.5 COSTS. Statutory costs are waived.

6 1.6 LEGAL DESCRIPTION. See attached Exhibit A ("the Property").

7 1.7 SKAGIT COUNTY TAX ACCOUNT NUMBER: P26133.

8 2. INTRODUCTION

9 THIS MATTER came before the undersigned judge of the above-entitled court on the
10 stipulation of the City, Hawley, and Skagit County. The City is represented by Kevin Rogerson,
11 City Attorney and P. Stephen DiJulio of Foster Pepper PLLC. Hawley is represented by John
12 W. Hicks, Schacht & Hicks, Inc., P.S. Skagit County is represented by Steve Fallquist of the
13 Skagit County Prosecuting Attorney's Office. The Court, having received the stipulation of the
14 parties for entry of this judgment and having been advised in the premises; NOW,
15 THEREFORE makes and enters the following judgment ("Judgment").

16 3. PUBLIC USE AND NECESSITY

17 An Order on Public Use and Necessity was entered on May 23, 2008.

18 4. OTHER PARTIES

19 4.1 The other parties to this action include a tenant, a deed of trust trustee, and a
20 deed of trust beneficiary.

21 4.2 On June 13, 2008, the Court entered an order of default against Whidbey Island
22 Bank and Island Title Company. These defaulted parties have no interest in the just
23 compensation for the Property or in the total Judgment Amount.

24 4.3 On June 19, 2008, the Court entered a stipulated order dismissing respondents
25 Robert Anthony Coty and Joselyn Coty d/b/a Advanced Auto and Service. Robert Anthony
26

STIPULATED FINDINGS OF FACT, CONCLUSIONS OF
LAW, JUDGMENT AND DECREE OF APPROPRIATION - 2

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1 Coty and Joselyn Coty d/b/a Advanced Auto and Service have no interest in the just
2 compensation for the Property or in the total Judgment Amount.

3 **5. JUDGMENT AND APPROPRIATION**

4 5.1 The City, Hawley, and Skagit County stipulate that the property at issue in this
5 matter is hereby amended to the real property described in Exhibit A attached hereto (the
6 "Property"). The City, Hawley, and Skagit County further stipulate that the Property to be
7 acquired will be used for a public use, is being acquired in the public interest, and necessity
8 requires the acquisition of the Property consistent with the Court's May 23, 2008 Order on
9 Public Use and Necessity.

10 5.2 The total just compensation to be paid by the City to Hawley for and in
11 connection with the taking and damaging of the real property described in Exhibit A attached
12 hereto, together with all improvements thereon, attorney, expert/evaluation fees and interest, if
13 any, is the amount of Four-Hundred Sixty-Six Thousand Sixty-Five Dollars (\$466,065.00), less
14 any taxes owed to Skagit County at the time of disbursement, if any.

15 5.3 The City has previously paid into escrow ("Escrow") pursuant to the Possession
16 and Use Agreement the just compensation in the total amount of \$303,300. The total balance
17 due from the City is One-Hundred Sixty-Two Thousand Seven Hundred Sixty-Five Dollars
18 (\$162,765.00).

19 5.4 Upon entry of this Judgment, the City shall have all right, title and interest in the
20 Property, and all of the Respondent's interest in the Property will be extinguished.

21 **6. JUST COMPENSATION**

22 6.1 Within ten (10) days of entry of this Judgment, the City shall issue instructions
23 to the Escrow authorizing the Escrow to release funds deposited with the Escrow as payment in
24 full of just compensation and costs for the Property ("Judgment Amount"). Prior to the
25 disbursement of proceeds from Escrow, any claims of Whidbey Island Bank to Just
26

STIPULATED FINDINGS OF FACT, CONCLUSIONS OF
LAW, JUDGMENT AND DECREE OF APPROPRIATION - 3

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1 Compensation shall be released, or Hawley shall secure the consent of Whidbey Island Bank to
2 disbursement of the proceeds from Escrow.

3 6.2 Upon entry of this judgment, the City shall have all right, title and interest in the
4 Property, as described in Exhibit A.

5 6.3 Hawley's interest in the Property will be extinguished as of the date of entry of
6 this judgment.

7
8 **7. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

9 Sections 3 through 6 above shall be and hereby are adopted as and made the Findings of
10 Fact and Conclusions of Law. Now, therefore, in accordance with the foregoing Findings of
11 Fact and Conclusions of Law, it is hereby ordered, adjudged and decreed as follows:

12 **8. JUDGMENT**

13 8.1 Sections 3 through 7 above are incorporated herein by this reference.

14 8.2 Upon entry of this Judgment and payment as set forth in Section 6.1 above, the
15 City shall have all right, title and interest in the Property as described in Exhibit A attached
16 hereto, and all of the Respondent's interest in the Property will be extinguished.

17 8.3 The total amount to be paid by the City to Hawley, as payment in full of just
18 compensation, is Four-Hundred Sixty-Six Thousand Sixty-Five Dollars (\$466,065.00). The
19 total balance due from the City is One-Hundred Sixty-Two Thousand Seven Hundred Sixty-
20 Five Dollars (\$162,765.00).

21 8.4 The Clerk shall issue no "certified abstract of judgment" contained in the
22 execution docket, otherwise denominated by the Clerk "transcript of judgment docket," the sole
23 and only purpose of which is presentation for payment. The sole method of payment shall be
24 through the Escrow.
25
26

STIPULATED FINDINGS OF FACT, CONCLUSIONS OF
LAW, JUDGMENT AND DECREE OF APPROPRIATION - 4

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1 8.5 Costs are waived as to all parties.

2 SO ORDERED this 28 day of August, 2008.

3
4 
5 _____
6 JUDGE / COURT COMMISSIONER


7 Stipulated to and Presented by:
8 CITY OF MOUNT VERNON

9 
10 _____
11 KEVIN ROGERSON, WSBA No. 31664
12 Prosecuting Attorney, and

13 FOSTER PEPPER PLLC
14 P. Stephen DiJulio, WSBA No. 7139
15 Michael S. Schechter, WSBA No. 35602
16 Special Assistant City Attorneys

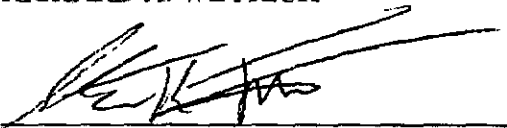
17 Stipulated to and Approved for Entry by:

18 SCHACHT & HICKS, INC., P.S.

19 
20 _____
21 John W. Hicks, WSBA No. 6691
22 Attorneys for Respondent Hawley

23 Stipulated to and Approved for Entry by:

24 SKAGIT COUNTY PROSECUTING ATTORNEY
25 RICHARD A. WEYRICH

26 
27 _____
28 Steve Fallquist, WSBA No. 31678
29 Civil Deputy
30 Attorney for Respondent Skagit County

STIPULATED FINDINGS OF FACT, CONCLUSIONS OF
LAW, JUDGMENT AND DECREE OF APPROPRIATION - 5

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EXHIBIT A

1
2 Skagit County Assessor's Parcel P26133, legally described as follows:

3 That portion of the South 1/2 of the Southeast 1/4 of the Northeast 1/4 of Section 18, Township 34
4 North, Range 4 East, W.M., described as follows:

5 Beginning at a point on the West line of the right of way of former State Highway, now
6 Riverside Drive, 20 feet North of the South line of said South 1/2 of the Southeast
7 Northeast 1/4;
8 thence North along said right of way line 100 feet;
9 thence West 120 feet;
10 thence South 100 feet to a point 20 feet North of the South line of said South 1/2 of the Southeast
11 1/4 of the Northeast 1/4;
12 thence East 120 feet to the point of beginning,

13 EXCEPT that portion thereof conveyed to the State of Washington by deed dated August 12,
14 1953 and recorded October 15, 1953, under Auditor's File No. 493949, records of Skagit
15 County, Washington,

16 AND EXCEPT that portion thereof conveyed to the City of Mount Vernon by Deed dated
17 September 15, 1975, recorded under Auditor's File No. 823658, records of Skagit County,
18 Washington.

19 Situate in the City of Mount Vernon, County
20 of Skagit, State of Washington.
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STIPULATED FINDINGS OF FACT, CONCLUSIONS OF
LAW, JUDGMENT AND DECREE OF APPROPRIATION - 6

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State of Washington, } ss.
County of Skagit

I, Nancy K. Scott, County Clerk of Skagit County and ex-officio Clerk of the Superior Court of the State of Washington, for the County of Skagit, do hereby certify that the foregoing instrument is a true and correct copy of the original, consisting of 11 pages, now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of said Court at my office at Mount Vernon, this 4th day of September 2008.
Nancy K. Scott, County Clerk

By [Signature]
Deputy Clerk
SKAGIT COUNTY



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