



200906050136

Skagit County Auditor

6/5/2009 Page 1 of 11 1:20PM

COVER SHEET FOR RECORDING DOCUMENTS

Return to: Chrissy Sprouse
City of Mount Vernon
P.O. Box 809
Mount Vernon, WA 98273

DOCUMENT: STIPULATED FINDINGS OF FACT, CONCLUSIONS OF
LAW, ETC.
In re City of Mount Vernon – College Way/Riverside Drive
(P25984/P25678)

CS **GRANTEE:**

~~GRANTORS:~~ Isobell Burtenshaw

GRANTOR: CITY OF MOUNT VERNON

ABBREVIATED LEGAL DESCRIPTION:

17.34.04

See attached EXHIBIT A (“the property”) for Parcel P25984

See attached EXHIBIT A (“the property”) for Parcel P25678

AUDITOR’S FILES NO.

COMPLETE LEGAL DESCRIPTION ON PAGE:

See attached EXHIBIT A (“the property”) for Parcel P25984

See attached EXHIBIT A (“the property”) for Parcel P25678

ASSESSOR’S PARCEL/TAX ID NUMBER: P25984/P25678

FILED
SKAGIT COUNTY CLERK
SKAGIT COUNTY, WA

2009 JAN -9 PM 1:19

FILED
SKAGIT COUNTY CLERK
SKAGIT COUNTY, WA

2009 JAN -9 PM 1:23

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. 08-2-00768-8

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

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

CLERK'S ACTION REQUIRED

Petitioner, City of Mount Vernon (the "City"), Respondent Isobell Burtenshaw ("Burtenshaw"), Respondent Skagit County PUD No. 1 ("PUD"), and Respondent Skagit County ("County") stipulate as follows:

1. JUDGMENT SUMMARY

1.1 AMOUNT OF JUDGMENT

1.1.1	Total amount	\$ 51,860
1.1.2	Previous Payments	\$ 51,860
1.1.3	Costs	\$ - 0 -
1.1.4	Balance remaining:	\$ - 0 -

1.2 JUDGMENT CREDITORS. Isobell Burtenshaw by Edward R. Langenbach, Cable, Langenbach, Kinerk & Bauer, LLP, 1000 Second Avenue, Suite 3500, Seattle, Washington, 98104-1048; Phone 206-292-8800.

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

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1 1.3 JUDGMENT DEBTOR. City of Mount Vernon by Kevin Rogerson, City
2 Attorney and P. Stephen DiJulio and Michael S. Schechter, Foster Pepper PLLC, 1111 Third
3 Avenue, Suite 3400, Seattle, WA 98101; Phone 206-447-4400.

4 1.4 JUDGMENT AMOUNT

5 1.4.1 Balance remaining: \$ - 0 -
6 1.4.2 Interest owed: \$ - 0 -
7 1.4.3 Costs \$ - 0 -
8 1.4.4 Total amount due from City: \$ - 0 -

9 1.5 COSTS. Statutory costs are waived.

10 1.6 LEGAL DESCRIPTION. See attached Exhibit A ("the Property").

11 1.7 SKAGIT COUNTY TAX ACCOUNT NUMBERS: P25984 and P25678.

12 **2. INTRODUCTION**

13 THIS MATTER came before the undersigned judge of the above-entitled court on the
14 stipulation of the City, Burtenshaw, the PUD, and the County. The City is represented by Kevin
15 Rogerson, City Attorney, and P. Stephen DiJulio and Michael S. Schechter of Foster Pepper
16 PLLC. Burtenshaw is represented by Edward R. Langenbach of Cable, Langenbach, Kinerk &
17 Bauer, LLP. The PUD is represented by Peter A. Gilbert of Gilbert & Gilbert Lawyers, Inc.,
18 P.S. The County is represented by Steve Fallquist of the Skagit County Prosecuting Attorney's
19 Office. The Court, having received the stipulation of the parties for entry of this judgment and
20 having been advised in the premises; NOW, THEREFORE makes and enters the following
21 judgment ("Judgment").

22 **3. PUBLIC USE AND NECESSITY**

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

24 **4. OTHER PARTIES**

25 4.1 Burtenshaw is fee owner of a 1/5 undivided interest in the Property.

26 4.2 The other parties to this matter include the other fee owners, a tenant, easement
grantees, and Skagit County, as indicated in Exhibit B to the Petition for Condemnation. Any

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

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SEATTLE, WASHINGTON 98101-3299
Phone: 206-447-4400



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1 interest in the Property held by these other parties is held separately from any interest in the
2 Property held by Burtenshaw. The other parties have no interest in the just compensation
3 received by Burtenshaw or in the Judgment Amount of this Judgment.

4 4.3 On May 23, 2008, the Court entered an order dismissing Respondent
5 Washington State Department of Transportation.

6 4.4 On June 13, 2008, the Court entered an order of default dismissing Respondent
7 Rite Aid / Thrifty Payless.

8 4.5 On June 19, 2008, the Court entered judgment as to Respondents Norah Lee
9 Smith, Penny Van Buren f/k/a Penny Lee Merrell, Wendee Hamilton f/k/a Wendee Cyr, Tracie
10 Cyr, and Phillip E. Cyr. On July 1, 2008, the Court entered judgments as to Respondents
11 Eduard P. Rockey and Mount Vernon Plaza Associates, L.L.C. On July 24, 2008, the Court
12 entered judgment as to Respondent Babette Lena Phillips.

13 **5. JUDGMENT AND APPROPRIATION**

14 5.1 Burtenshaw is a fee owner of an undivided 1/5 or 20% interest in the Property.

15 5.2 The total just compensation paid by the City to Burtenshaw for and in
16 connection with the taking and damaging of the real property described in the Petition for
17 Condemnation ("Petition") and in Exhibit A attached hereto (the "Property"), together with all
18 improvements thereon, attorney, expert/evaluation fees and interest, if any, is the amount of
19 Fifty-One Thousand Eight Hundred Sixty Dollars (US \$51,860). The City has paid to
20 Burtenshaw a sum of Fifty-One Thousand Eight Hundred Sixty Dollars (US \$51,860) as just
21 compensation for and in connection with the taking and damaging of her 1/5 undivided interest
22 in the Property, together with all improvements thereon.

23 5.3 As Burtenshaw has already been paid by the City, the balance due from the City
24 is Zero Dollars (US \$0.00) ("Judgment Amount").

25 5.4 Upon entry of this Judgment, recognizing the previous payment made to
26 Burtenshaw by the City, as set forth in Section 6, below, the City shall have all right, title and

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

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1 interest in the Property, and all of Burtenshaw's interest in the Property will be extinguished.

2 5.5 The City may, but need not, further confirm title transfer by recording a
3 warranty deed executed by Burtenshaw. Recording of a warranty deed, or not, does not affect
4 the transfer of Burtenshaw's interest pursuant to this Judgment.

5 **6. JUST COMPENSATION**

6 6.1 The City has made payment in full for just compensation and costs for the
7 Property.

8 6.2 Upon entry of this Judgment, the City shall have all right, title and interest in
9 Burtenshaw's interest in the Property.

10 6.3 Burtenshaw's interest in the Property will be extinguished as of the date that this
11 Judgment is entered by the Court.

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

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

16 **8. JUDGMENT**

17 8.1 Sections 3 through 7 above are incorporated herein by this reference.

18 8.2 Upon entry of this Judgment, the City shall have all right, title and interest in a
19 separate 1/5 interest in the Property as described in the Petition and in Exhibit A attached
20 hereto, and the interest of Burtenshaw in the Property will be extinguished.

21 8.3 The total amount to be paid by the City to Burtenshaw, as payment in full of just
22 compensation, is Fifty-One Thousand Eight Hundred Sixty Dollars (US \$51,860), with statutory
23 costs waived. The total balance due from the City is \$0.00.

24 8.4 Costs are waived as to all parties.
25
26

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

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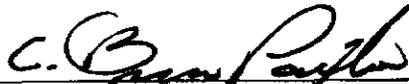


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1 SO ORDERED this 9th day of ^{January} ~~November~~, 2008, 9

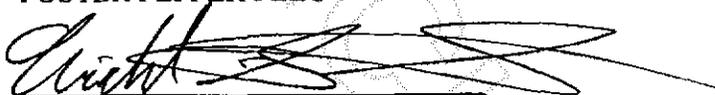
2
3 
4 JUDGE / COURT COMMISSIONER

5 Presented By, and stipulation to entry:

6 MOUNT VERNON CITY ATTORNEY
Kevin Rogerson, WSBA No. 31664

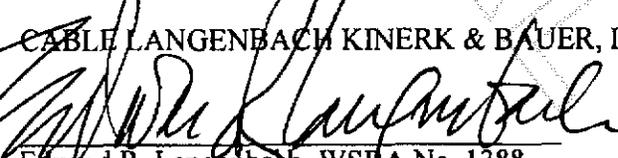
7 and

8 FOSTER PEPPER PLLC

9 
10 P. Stephen DiJulio, WSBA No. 7139
11 Michael S. Schechter, WSBA No. 35602
12 Special Assistant City Attorneys

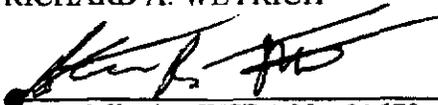
13 Stipulated to and Approved for Entry by:

14 CABLE LANGENBACH KINERK & BAUER, LLP

15 
16 Edward R. Langenbach, WSBA No. 1388
Attorneys for Respondent Burtenshaw

17 Stipulated to and Approved for Entry by:

18 SKAGIT COUNTY PROSECUTING ATTORNEY
RICHARD A. WEYRICH

19 
20 Steve Fallquist, WSBA No. 31678
21 Civil Deputy
22 Attorney for Respondent Skagit County

23 Stipulated to and Approved for Entry by:

24 GILBERT & GILBERT LAWYERS, INC., P.S.

25 
26 Peter A. Gilbert, WSBA No. 28894
Attorneys for Respondent Skagit County PUD No. 1

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

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SEATTLE, WASHINGTON 98101-3299
Phone (206) 447-4400 Fax (206) 447-9700



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Parcel Number P25678

EXHIBIT A

LISSE & 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. Fieber 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.



Parcel Number P25984

EXHIBIT A

LISSER & ASSOCIATES, PLLC

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 thence North 00°24'00" East for a distance of 27.82 feet;
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(Shown as Parcels A and B on Land Title Company Limited Liability Report Order No. 123867)

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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

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



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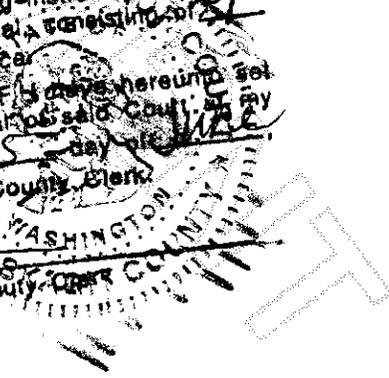
UNOFFICIAL DOCUMENT

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 2 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 5th day of June, 2009. Nancy K. Scott, County Clerk.

By [Signature]
Deputy Clerk



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Skagit County Auditor