



200906050138

Skagit County Auditor

6/5/2009 Page

1 of

7 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)

GRANTEE:
~~GRANTORS:~~ Eduard P. Rockey

GRANTOR: CITY OF MOUNT VERNON

ABBREVIATED LEGAL DESCRIPTION: *17.34.04*

AUDITOR'S FILES NO

COMPLETE LEGAL DESCRIPTION ON PAGE:

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

FILED
SKAGIT COUNTY CLERK
SKAGIT COUNTY, WA

2008 JUL -1 PM 1:17

[Handwritten signature]

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 AS TO
RESPONDENT EDUARD P. ROCKEY

*[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"), and Respondent Eduard P. Rockey stipulate as follows:

1. JUDGMENT SUMMARY

1.1 AMOUNT OF JUDGMENT

1.1.1	Total amount	\$ 25,930
1.1.2	Previous Payments	\$ 25,930
1.1.3	Costs	\$ - 0 -
1.1.4	Balance remaining:	\$ - 0 -

1.2 JUDGMENT CREDITORS. Eduard P. Rockey, 1806 Lilac Court, Concord, California, 94251; Phone 925-689-6324.

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

STIPULATED ORDER DISMISSING
RESPONDENT EDUARD P. ROCKEY - I

FOSTER PEPPER PLLC



200906050138

Skagit County Auditor

50921743.1

08-9-01164-8

[Handwritten mark]

1 1.4 JUDGMENT AMOUNT

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

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 NUMBERS: P25984 and P25678.

8 2. INTRODUCTION

9 THIS MATTER came before the undersigned judge of the above-entitled court on the
10 stipulation of the County and Eduard P. Rockey. The City is represented by Kevin Rogerson,
11 City Attorney, and P. Stephen DiJulio and Michael S. Schechter of Foster Pepper PLLC.
12 Eduard P. Rockey appears on his own behalf (pro se). The Court, having received the
13 stipulation of the parties for entry of this judgment and having been advised in the premises;
14 NOW, THEREFORE makes and enters the following judgment ("Judgment").

15 3. PUBLIC USE AND NECESSITY

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

17 4. OTHER PARTIES

18 4.1 Eduard P. Rockey is fee owner of a 1/10 undivided interest in the Property.

19 4.2 The other parties to this matter include the remaining fee owners, a tenant,
20 easement grantees, and Skagit County, as indicated in Exhibit B to the Petition for
21 Condemnation. Any interest in the Property held by these other parties is held separately from
22 any interest in the Property held by Eduard P. Rockey. The other parties have no interest in the
23 just compensation received by Eduard P. Rockey or in the Judgment Amount of this Judgment.

24 5. JUDGMENT AND APPROPRIATION

25 5.1 Eduard P. Rockey is a fee owner of an undivided 1/10 or 10% interest in the
26 Property.

STIPULATED ORDER DISMISSING
RESPONDENT EDUARD P. ROCKEY - 2

FOSTER PEPPER PLLC
1111 THIRD AVENUE, SUITE 3400
SEASIDE, WA 98148



200906050138
Skagit County Auditor

1 5.2 Eduard P. Rockey agrees that the Fair Market Value of the Property is
2 \$259,300.00 and that 10% of Fair Market Value is \$25,930.

3 5.3 The total just compensation paid by the City to Eduard P. Rockey for and in
4 connection with the taking and damaging of the real property described in the Petition for
5 Condemnation ("Petition") and in Exhibit A attached hereto (the "Property"), together with all
6 improvements thereon, attorney, expert/evaluation fees and interest, if any, is the amount of
7 Twenty-Five Thousand Nine Hundred Thirty Dollars (US \$25,930). The City has paid to
8 Eduard P. Rockey a sum of Twenty-Five Thousand Nine Hundred Thirty Dollars (US \$25,930)
9 as just compensation for and in connection with the taking and damaging of his 1/10 undivided
10 interest in the Property, together with all improvements thereon.

11 5.4 As Eduard P. Rockey has already been paid by the City, the balance due from
12 the City is Zero Dollars (US \$0.00) ("Judgment Amount").

13 5.5 Upon entry of this Judgment, recognizing the previous payment made to Eduard
14 P. Rockey by the City, as set forth in Section 6, below, the City shall have all right, title and
15 interest in the Property, and all of Eduard P. Rockey's interest in the Property will be
16 extinguished.

17 5.6 The City may, but need not, further confirm title transfer by recording a
18 warranty deed executed by Eduard P. Rockey. Recording of a warranty deed, or not, does not
19 affect the transfer of Eduard P. Rockey's interest pursuant to this Judgment.

20 **6. JUST COMPENSATION**

21 6.1 The City has made payment in full for just compensation and costs for the
22 Property.

23 6.2 Upon entry of this Judgment, the City shall have all right, title and interest in
24 Eduard P. Rockey's interest in the Property.

25 6.3 Eduard P. Rockey's interest in the Property will be extinguished as of the date
26 that this Judgment is entered by the Court.

STIPULATED ORDER DISMISSING
RESPONDENT EDUARD P. ROCKEY - 3

FOSTER PEPPER PLLC
1111 THIRD AVENUE, SUITE 3400
SEATTLE, WASHINGTON 98101-3700



1 **7. JUDGMENT AS TO FEWER THAN ALL OF THE PARTIES**

2 7.1 This Judgment is a Final Judgment as to fewer than all of the parties, namely
3 Eduard P. Rockey.

4 7.2 Eduard P. Rockey has been paid just compensation in full for his undivided
5 individual interests in the Property based on the Fair Market Value of the Property as agreed to
6 by Eduard P. Rockey.

7 7.3 Eduard P. Rockey has no cross-claims or counterclaims pending in this matter.

8 7.4 Eduard P. Rockey does not have any additional rights to be adjudicated in this
9 matter.

10 7.5 There is no just reason for delay of entry of judgment as to Eduard P. Rockey.

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

12 Sections 3 through 7 above shall be and hereby are adopted as and made the Findings of
13 Fact and Conclusions of Law. Now, therefore, in accordance with the foregoing Findings of
14 Fact and Conclusions of Law, it is hereby ordered, adjudged and decreed as follows:

15 **9. JUDGMENT**

16 9.1 Sections 3 through 8 above are incorporated herein by this reference.

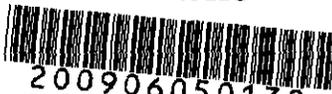
17 9.2 Upon entry of this Judgment, the City shall have all right, title and interest in a
18 separate 1/10 interest in the Property as described in the Petition and in Exhibit A attached
19 hereto, and the interest of Eduard P. Rockey in the Property will be extinguished.

20 9.3 The total amount to be paid by the City to Eduard P. Rockey, as payment in full
21 of just compensation, is Twenty-Five Thousand Nine Hundred Thirty Dollars (US \$25,930),
22 with statutory costs waived. The total balance due from the City is \$0.00.

23 9.4 Pursuant to Civil Rule 54(b), this Court recognizes that this Judgment is a final
24 judgment as to fewer than all of the parties. The entry of this Judgment as to fewer than all of
25 the parties is supported by the findings of fact incorporated in this Judgment. There is no just
26

STIPULATED ORDER DISMISSING
RESPONDENT EDUARD P. ROCKEY - 4

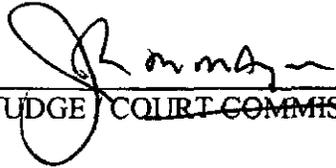
50921743.1

DEPPER PLLC

200906050138
Skagit County Auditor

6/5/2009 Page 5 of 7 1:20PM

1 reason for delay of entry of judgment as to Eduard P. Rockey in this matter and entry of this
2 Judgment as to these parties is expressly directed.

3 SO ORDERED this 1 day of ^{July} ~~June~~, 2008.

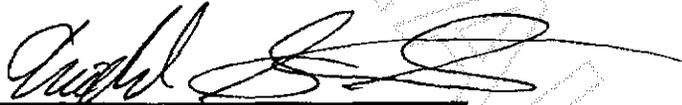
4
5 
6 ~~JUDGE COURT COMMISSIONER~~

7 Presented By, and stipulation to entry:

8 MOUNT VERNON CITY ATTORNEY
9 Kevin Rogerson, WSBA No. 31664

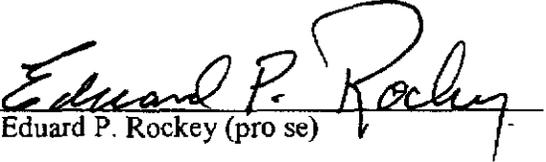
10 and

11 FOSTER PEPPER PLLC

12 

13 P. Stephen DiJulio, WSBA No. 7139
14 Michael S. Schechter, WSBA No. 35602
Special Assistant City Attorneys

15 Notice of presentation waived,
16 and stipulation to entry:

17
18 
19 Eduard P. Rockey (pro se)

20
21
22
23
24
25
26
STIPULATED ORDER DISMISSING
RESPONDENT EDUARD P. ROCKEY - 5

50921743.1

FOSTER PEPPER PLLC

200906050138
Skagit County Auditor

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

By _____ Deputy Clerk



200906050138
Skagit County Auditor