



200906050139

Skagit County Auditor

6/5/2009 Page 1 of 7 1:21PM

**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:** Mount Vernon Plaza Associates, LLC, c/o Eli Genauer

**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

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 MOUNT VERNON PLAZA ASSOCIATES, L.L.C.

*[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 Mount Vernon Plaza Associates, L.L.C. ("MVPA") stipulate as follows:

1. JUDGMENT SUMMARY

1.1 AMOUNT OF JUDGMENT

1.1.1	Total amount	\$ 103,720
1.1.2	Previous Payments	\$ 103,720
1.1.3	Costs	\$ - 0 -
1.1.4	Balance remaining:	\$ - 0 -

1.2 JUDGMENT CREDITORS. Mount Vernon Plaza Associates, L.L.C., c/o Eli Genauer, 650 S. Orcas Street, #210, Seattle, Washington, 98108; Phone 206-658-3104.

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 MOUNT VERNON  
PLAZA ASSOCIATES, L.L.C. - 1

FOSTER PEPPER PLLC  
1111 THIRD AVENUE, SUITE 3400  
SEATTLE, WASHINGTON 98101-3299



200906050139  
Skagit County Auditor

39 08-9-011164-8

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 MVPA. The City is represented by Kevin Rogerson, City  
11 Attorney, and P. Stephen DiJulio and Michael S. Schechter of Foster Pepper PLLC. MVPA  
12 appears on its own behalf (pro se). The Court, having received the stipulation of the parties for  
13 entry of this judgment and having been advised in the premises; NOW, THEREFORE makes  
14 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 MVPA is fee owner of a 2/5 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 MVPA. The other parties have no interest in the just  
23 compensation received by MVPA or in the Judgment Amount of this Judgment.

24 5. JUDGMENT AND APPROPRIATION

25 5.1 MVPA is a fee owner of an undivided 2/5 or 40% interest in the Property.

26 5.2 MVPA agrees that the Fair Market Value of the Property is \$259,300.00 and

STIPULATED ORDER DISMISSING  
RESPONDENT MOUNT VERNON  
PLAZA ASSOCIATES, L.L.C. - 2

FOSTER PEPPER PLLC  
1111 THIRD AVENUE, SUITE 3400  
SEATTLE, WASHINGTON 98101-3299



200906050139

Skagit County Auditor

1 that 40% of Fair Market Value is \$103,720.

2 5.3 The total just compensation paid by the City to MVPA for and in connection  
3 with the taking and damaging of the real property described in the Petition for Condemnation  
4 ("Petition") and in Exhibit A attached hereto (the "Property"), together with all improvements  
5 thereon, attorney, expert/evaluation fees and interest, if any, is the amount of One-Hundred-  
6 Three Thousand Seven Hundred Twenty Dollars (US \$103,720). The City has paid to MVPA a  
7 sum of One-Hundred-Three Thousand Seven Hundred Twenty Dollars (US \$103,720) as just  
8 compensation for and in connection with the taking and damaging of its 2/5 undivided interest  
9 in the Property, together with all improvements thereon.

10 5.4 As MVPA has already been paid by the City, the balance due from the City is  
11 Zero Dollars (US \$0.00) ("Judgment Amount").

12 5.5 Upon entry of this Judgment, recognizing the previous payment made to MVPA  
13 by the City, as set forth in Section 6, below, the City shall have all right, title and interest in the  
14 Property, and all of MVPA's interest in the Property will be extinguished.

15 5.6 The City may, but need not, further confirm title transfer by recording a  
16 warranty deed executed by MVPA. Recording of a warranty deed, or not, does not affect the  
17 transfer of MVPA's interest pursuant to this Judgment.

18 **6. JUST COMPENSATION**

19 6.1 The City has made payment in full for just compensation and costs for the  
20 Property.

21 6.2 Upon entry of this Judgment, the City shall have all right, title and interest in  
22 MVPA's interest in the Property.

23 6.3 MVPA's interest in the Property will be extinguished as of the date that this  
24 Judgment is entered by the Court.

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

26 7.1 This Judgment is a Final Judgment as to fewer than all of the parties, namely

STIPULATED ORDER DISMISSING  
RESPONDENT MOUNT VERNON  
PLAZA ASSOCIATES, L.L.C. - 3

FOSTER PEPPER LLC  
1111 THIRD AVENUE, SUITE 3400  
SEATTLE, WASHINGTON 98101-3299  
Phone (206) 447-4400 Fax (206) 447-9700

50921816.1



200906050139

Skagit County Auditor

1 MVPA.

2 7.2 MVPA has been paid just compensation in full for its undivided individual  
3 interests in the Property based on the Fair Market Value of the Property as agreed to by MVPA.

4 7.3 MVPA has no cross-claims or counterclaims pending in this matter.

5 7.4 MVPA does not have any additional rights to be adjudicated in this matter.

6 7.5 There is no just reason for delay of entry of judgment as to MVPA.

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

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

11 **9. JUDGMENT**

12 9.1 Sections 3 through 8 above are incorporated herein by this reference.

13 9.2 Upon entry of this Judgment, the City shall have all right, title and interest in a  
14 separate 2/5 interest in the Property as described in the Petition and in Exhibit A attached  
15 hereto, and the interest of MVPA in the Property will be extinguished.

16 9.3 The total amount to be paid by the City to MVPA, as payment in full of just  
17 compensation, is One-Hundred-Three Thousand Seven Hundred Twenty Dollars  
18 (US \$103,720), with statutory costs waived. The total balance due from the City is \$0.00.  
19

20 //

21 //

22 //

23  
24  
25  
26  
STIPULATED ORDER DISMISSING  
RESPONDENT MOUNT VERNON  
PLAZA ASSOCIATES, L.L.C. - 4

FOSTER PEPPER PLLC  
1111 THIRD AVENUE, SUITE 3400  
SEATTLE, WASHINGTON 98101-3299  
Phone (206) 447-4400 Fax (206) 447-9700



200906050139  
Skagit County Auditor

9.4 Pursuant to Civil Rule 54(b), this Court recognizes that this Judgment is a final judgment as to fewer than all of the parties. The entry of this Judgment as to fewer than all of the parties is supported by the findings of fact incorporated in this Judgment. There is no just reason for delay of entry of judgment as to MVPA in this matter and entry of this Judgment as to these parties is expressly directed.

SO ORDERED this 1 day of <sup>July</sup>~~June~~, 2008.

  
\_\_\_\_\_  
JUDGE / COURT COMMISSIONER

Presented By, and stipulation to entry:

MOUNT VERNON CITY ATTORNEY  
Kevin Rogerson, WSBA No. 31664

and

FOSTER PEPPER PLLC



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

Notice of presentation waived,  
and stipulation to entry:



\_\_\_\_\_  
Eli Genauer  
Managing Member  
Mount Vernon Plaza Associates, L.L.C.  
(pro se)

STIPULATED ORDER DISMISSING  
RESPONDENT MOUNT VERNON  
PLAZA ASSOCIATES, L.L.C. - 5

50921816.1

FOSTER PEPPER PLLC  
1111 THIRD AVENUE, SUITE 3400  
SEATTLE, WA 98101  
  
200906050139  
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 5th day of June, 2009.

By Nancy K. Scott, County Clerk  
Deputy Clerk  
SKAGIT COUNTY



200906050139  
Skagit County Auditor