



201108120022  
Skagit County Auditor

8/12/2011 Page 1 of 7 10:23AM

Document Title:

Stipulation and Order for Immediate Possession and Use, No. 11-2-01298-3

Reference Number : 11-2-01298-3

Grantor(s):

additional grantor names on page \_\_\_\_.

1. John N. Yaeger
2. Kathleen M. Yaeger

Grantee(s):

additional grantee names on page \_\_\_\_.

1. Skagit County
- 2.

Abbreviated legal description:

full legal on page(s) 5.

10.0600 ac) TAX 48 TR IN SW1/4 SE1/4 DAF: BEGIN ON S LI OF SD SW1/4 SE1/4, 121.6 FT E OF S1/4 POST OF SD SEC; TH N 21-34- W, 253 FT ALG CNTR LI OF CO RD; TH E 241 FT PLW S LI OF SW1/4 SE1/4; TH N 46-21 E, 150.6 FT; TH E 526.9 FT PLW S LI OF SD SW1/4 SE1/

Assessor Parcel / Tax ID Number:

additional tax parcel number(s) on page \_\_\_\_.

P28179

UNOFFICIAL DOCUMENT

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SKAGIT COUNTY CLERK  
SKAGIT COUNTY, WA

2011 JUL 29 PM 1:46

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6 SUPERIOR COURT OF WASHINGTON IN AND FOR SKAGIT COUNTY

7  
8 In the Matter of the Petition of Skagit County to  
9 acquire by condemnation certain property and  
10 property rights for the Anderson/LaVenture Road  
11 Extension Cedardale to Blodgett Project No.  
12 STPUS-7337 (005) and Anderson/LaVenture Road  
Extension Blodgett to Blackburn Project No.  
STPUS-7337 (004) as contemplated by Skagit  
County Resolutions Nos. R20110145 and  
R20110175. [Parcel P28179]

No. 11-2-01298-3

STIPULATION AND ORDER FOR  
IMMEDIATE POSSESSION AND USE

[CLERK'S ACTION REQUIRED]

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13  
14 **1. Stipulation on Immediate Possession and Use**

15 Petitioner, Skagit County ("County"), and Respondents John N. and Kathleen M. Yaeger (a/k/a  
16 Kathy M. Yaeger, a/k/a Kathryn M. Yaeger), husband and wife ("Respondents"), by and through  
17 their counsel, hereby stipulate and agree to an Order for Immediate Possession and Use of the  
18 property which is the subject of this action. The subject property is located at and within the project  
19 described as the Anderson/LaVenture Road Extension Cedardale to Blodgett Project No. STPUS-  
20 7337 (005) and Anderson/LaVenture Road Extension Blodgett to Blackburn Project No. STPUS-  
21 7337 (004), and is commonly described as 16965 Blodgett Road, Mount Vernon, Washington 98274  
22 (Skagit County Assessor Tax Parcel No. P28179 [XrefID: 340429-0-043-0002]), and is described  
23 more particularly in Exhibit A to the Petition for Condemnation herein ("Property").

24 The County is represented by Richard A. Weyrich, Skagit County Prosecuting Attorney,  
25 Stephen R. Fallquist, Deputy Prosecuting Attorney, William W. Honea, Chief Civil Deputy  
26

STIPULATION AND ORDER FOR  
IMMEDIATE POSSESSION AND USE - 1

SKAGIT COUNTY PROSECUTING ATTORNEY  
605 S. 3<sup>RD</sup> ST. - Courthouse Annex  
Mount Vernon, WA 98273  
PHONE: (360) 336-9480  
FAX: (360) 336-9497

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1 Prosecuting Attorney, and P. Stephen DiJulio & Michael S. Schechter, Special Deputy Prosecuting  
2 Attorneys of FOSTER PEPPER, PLLC. Respondents are represented by Ronald G. Housh, P.S. The  
3 parties, by and through their respective counsel, hereby stipulate and agree to the entry of this Order  
4 as follows:

5 This stipulation is conditioned as follows:

6 1.1 On or after July 26, 2011, the County shall deposit in the registry of the Skagit  
7 County Superior Court Forty-Six Thousand Eight Hundred Dollars (US \$46,800), representing the  
8 County's offer of just compensation for the property rights to be acquired in this action ("Possession  
9 and Use Deposit"). The County shall deposit the Possession and Use Deposit on a date to be  
10 determined by the County, but no earlier than July 26, 2011. The Possession and Use Deposit is not  
11 accepted or acknowledged by Respondents to be full just compensation for the property rights to be  
12 acquired. Just compensation shall be determined by later negotiated agreement of the Parties and if  
13 negotiated agreement is not reached, just compensation shall be determined by a trial proceeding.  
14 Negotiation between the Parties as to the determination of just compensation shall occur following  
15 the deposit of the Possession and Use Deposit.

16 1.2 The County shall take possession of the Property on the date of the Possession  
17 and Use deposit, as set forth in Paragraph 1.1, above, but no earlier than July 26, 2011.

18 1.3 The date of valuation for the determination of just compensation shall be the  
19 date of the Possession and Use Deposit.

20 1.4 Funds held by the Clerk shall be available for disbursement as directed by a  
21 subsequent Order of the Court.

22 1.5 Should the jury, or the Court upon jury waiver, determine that just  
23 compensation exceeds the Possession and Use Deposit, then interest shall accrue to the benefit of  
24 respondent(s) at the statutory rate from and after the date of valuation until the deposit of the balance  
25 of just compensation by the County with the Clerk of the Court.  
26

STIPULATION AND ORDER FOR  
IMMEDIATE POSSESSION AND USE - 2

SKAGIT COUNTY PROSECUTING ATTORNEY  
605 S. 3<sup>RD</sup> ST. - Courthouse Annex  
Mount Vernon, WA 98273  
PHONE: (360) 338-9480  
Fax: (360) 338-9497

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Skagit County Auditor

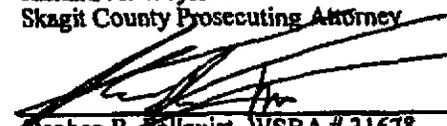
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1.6 This agreement fulfills the obligations regarding the granting of immediate possession and use under RCW 8.25.070(3), and Respondents shall have all rights to claim attorney fees and costs consistent with RCW 8.25.070.

1.7 This Stipulation and Order may be entered by the County without further notice of presentation.

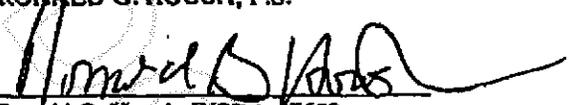
DATED this 29<sup>th</sup> day of July, 2011

Richard A. Weyrich  
Skagit County Prosecuting Attorney

  
Stephen B. Fallquist, WSBA # 31678  
William W. Honea, WSBA # 33528, and

FOSTER PEPPER PLLC  
P. Stephen DiJulio, WSBA # 7139  
Michael S. Schechter, WSBA # 35602  
Special Deputy Prosecuting Attorneys  
Attorneys for Skagit County

RONALD G. HOUSH, P.S.

  
Ronald G. Housh, WSBA #7658  
Attorney for John N. and Kathleen M. Yaeger

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//  
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STIPULATION AND ORDER FOR  
IMMEDIATE POSSESSION AND USE - 3

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SKAGIT COUNTY PROSECUTING ATTORNEY  
805 S. 3<sup>RD</sup> ST. - Courthouse Annex  
Mount Vernon, WA 98273  
PHONE: (360) 338-9480  
Fax: (360) 338-9487



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Skagit County Auditor

2. Order on Immediate Possession and Use

This matter having duly and regularly come before the undersigned judge of the above-entitled Court, and the Court having considered the stipulation of the County and Respondents, above, and the records and files herein, the Court enters the following ORDER:

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the County shall have immediate possession and use of the property described in the Petition for Condemnation filed with this Court, consistent with the stipulation of the parties herein. The County's right to possession and use of the property shall be conditioned upon a prior deposit into the court registry by the County of Forty-Six Thousand Eight Hundred Dollars (US \$46,800). The date of valuation for the determination of just compensation shall be the date of the Possession and Use Deposit.

SO ORDERED this 29 day of July, 2011.

SUPERIOR COURT JUDGE

Presented By:  
Richard A. Weyrich  
Skagit County Prosecuting Attorney

Stephen R. Fallquist, WSBA # 31678  
William W. Honea, WSBA #33528, and

FOSTER PEPPER PLLC  
P. Stephen DiJulio, WSBA # 7139  
Michael S. Schechter, WSBA # 35602  
Special Deputy Prosecuting Attorneys  
Attorneys for Skagit County

Stipulation for Entry By:

RONALD G. HOUSH, P.S.  
Ronald G. Housh  
Ronald G. Housh, WSBA #7658  
Attorney for John N. and Kathleen M. Yaeger

STIPULATION AND ORDER FOR IMMEDIATE POSSESSION AND USE - 4

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SKAGIT COUNTY PROSECUTING ATTORNEY  
605 S. 3<sup>RD</sup> ST. - Courthouse Annex  
Mount Vernon, WA 98273  
PHONE: (360) 338-9480  
Fax: (360) 338-9487



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State of Washington, } ss.  
County of Skagit

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 4 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 12 day of Aug. 20 11.

By Carol Ouscal  
Deputy Clerk



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Skagit County Auditor

**EXHIBIT "A"**

**P28179**

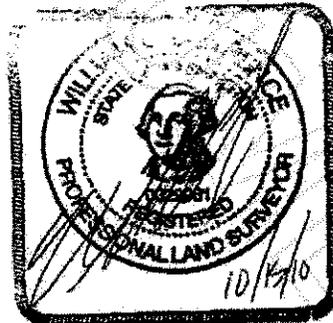
**Right of Way Acquisition**

**Acquisition Description**

All that portion of that parcel of land as described in Statutory Warranty Deed Recorded in Volume 713 at Pages 174 and 175, under Auditor's File number 8787000023, Records of Skagit County, State of Washington, described as follows:

Beginning at a point 1.44 feet left of Highway Engineer's Station (hereinafter referred to as HES) 24+97.23 on the Anderson/LaVenture Road (Cedardale Rd. to Blackburn Rd.) Right of Way and Easement Plan when measured at right angles from the Anderson/LaVenture centerline said point being the southwest corner of said Parcel; thence easterly along the South line of said Parcel to a point 40.00 feet right of HES 32+89.16 said point being a point of a non-tangent curvature; thence leaving said South line northeasterly along the arc of an 840.00 foot radius curve left (the radius point of which bears N02°01'19"W) through a central angle of 23°48'01", a distance of 348.93 feet more or less to a point 40.00 feet right of HES 36+21.47 said point being on the east line of said Parcel; thence northerly along said east line to a point 40.00 feet left of HES 36+66.98 said point being a point of nontangent curvature; thence southwesterly along the arc of a 760.00 foot radius curve right (the radius of which bears North 29°04'53" West) through a central angle of 29°58'08", a distance of 397.52 feet to a point of tangency said point being 40.00 feet left of HES 32+48.54; thence southwesterly to a point 40.00 feet left of HES 25+10.47; thence northwesterly to a point on the west line of said Parcel said point being 61.18 feet left of HES 24+76.81 more or less; thence southeasterly along said west line to the Point of Beginning.

Containing 75,326 square feet, more or less.



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Skagit County Auditor